

## **DECISION**

Dispute Codes      ET

### Introduction

This hearing dealt with the landlord's Application for Dispute Resolution for an order of possession.

The hearing was conducted via teleconference and was attended by the landlord and building manager only. The tenant did not attend.

The landlord testified that the tenant was served notice of this hearing via registered mail on June 29, 2010. I accept the tenant has been served with sufficient notice of this hearing.

### Issues(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession and end the tenancy early, pursuant to sections 56 of the *Residential Tenancy Act (Act)*.

### Background and Evidence

The tenancy began in 2007, the landlord could not provide the month, is a month to month tenancy with a current rent of \$575.00 due on the 1<sup>st</sup> of the month. A security deposit of \$287.50 was paid at the start of the tenancy.

The landlord states the tenant has been causing problems in the building for a long time, that he has threatened tenants and the building manager, that he is drug dealer and that he most recently has refused entry of a plumber.

The landlord testified the plumber was called to repair a problem with the bathtub in the rental unit above the tenant but that the plumber requires access to this tenant's rental unit to affect the required repairs.

The landlord has submitted a written statement from the plumber who states on June 25, 2010 he tried to gain access to this tenant's rental unit 4 times and was then told to return at 1:00 p.m. When the plumber returned at 1:15 p.m. he was told he would not be getting in that day.

### Analysis

Section 56 of the *Act* allows a landlord to seek an order of possession to end a tenancy on a date earlier than the tenancy would end should a notice to end the tenancy be given under Section 47 of the *Act*.

The landlord must show that there is cause to end the tenancy such as the tenant or a person permitted on the residential property by the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord; seriously jeopardized the health or safety or lawful right or interest of the landlord or another occupant; put the landlord's property at significant risk; caused extraordinary damage; engaged in an illegal activity that has caused damage; adversely affected the quiet enjoyment, security, safety or physical well being of another occupant **and** that to wait for a notice to end the tenancy under Section 47 would be unreasonable or unfair to the landlord or other occupants.

As to the landlord's allegation that the tenant is a drug dealer, no evidence has been submitted to substantiate this claim, as such, I cannot determine if this is a cause that the landlord can rely on to end the tenancy.

I find that, based on the written submission from the landlord's plumber, that the tenant refused access on *that* day and no evidence or testimony was provided to indicate that anyone has tried to enter again and provide the tenant with 24 hour notice as is required under Section 29 of the *Act*, the landlord has not provided sufficient justification to end the tenancy for this cause.

Because the landlord's contention that the tenant has been threatening tenants and the building manager for a long time (at least one year), I find the landlord, on this point, has shown that it would be unreasonable or unfair to the landlord or other occupants to allow the tenancy to end in accordance with Section 47 with a 1 Month Notice.

### Conclusion

I find that the landlord is entitled to an Order of Possession effective **two days after service on the tenant**. This order must be served on the tenant and may be filed in the Supreme Court and enforced as an order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: July 20, 2010.

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Dispute Resolution Officer