



# Dispute Resolution Services

Residential Tenancy Branch  
Ministry of Housing and Social Development

## **Decision**

### **Dispute Codes:**

ET

### **Introduction**

This Dispute Resolution hearing was convened to deal with the landlord's application seeking an order to end the tenancy early without notice to the tenant.

The landlord appeared and gave testimony that each tenant was personally served with the Notice of hearing on August 27, 2010. Despite being properly served, the tenant did not appear.

### **Issue(s) to be Decided**

Is the landlord entitled to end the tenancy without notice pursuant to section 56 of the Act?

### **Background and Evidence**

The tenancy began in January 4, 2010 with rent set at \$1,600.00 and a security deposit of \$800.00 was paid. Submitted into evidence by the landlord was a letter from police confirming that on August 26, 2010, pursuant to a search warrant to investigate trafficking of drugs, the police Emergency Response Team had forcibly entered and arrested the tenant who was found to be in possession of drugs and weapons.

The landlord testified that the tenant had received two warnings about disruptive conduct in the past. The landlord testified that no One-Month Notices for Cause were issued for these infractions. However, due to the tenant's illegal drug activity, on August 26, 2010 other tenants in the building were subjected to an

alarming incident in which the police “SWAT” team found it necessary to break-down the door and arrest the tenants.

The landlord testified that this serious incident confirmed that the tenant was engaged in illegal activity that has caused damage to the landlord's property, and has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the residential property. The landlord testified that the other residents are in a state of shock and fear and it would be unreasonable or unfair to wait to issue a One-Month Notice for Cause to end this tenancy. In fact, given the circumstances, the landlord hopes to obtain an immediate Order of Possession.

### **Analysis**

Section 56 of the Residential Tenancy Act provides that a landlord may make an application for dispute resolution to request an order ending a tenancy on a date that is earlier than the tenancy would end if notice to end the tenancy were given under section 47 [*landlord's notice: cause*], and granting the landlord an order of possession in respect of the rental unit.

Before issuing an Order ending the Tenancy under section 56 a Dispute Resolution Officer must be satisfied under section 56(2) that both of the following has been proven:

a) the tenant or a person permitted on the residential property by the tenant has done any of the following:

- significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property;
- seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant;
- put the landlord's property at significant risk;

Has engaged in illegal activity that:

- has caused or is likely to cause damage to the landlord's property,

- has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the residential property, or
- has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord;
- caused extraordinary damage to the residential property, **and**

(b) it would be unreasonable, or unfair to the landlord or other occupants of the residential property, to wait for a notice to end the tenancy under section 47 *[landlord's notice: cause]* to take effect.

Based on the testimony of the landlord and the evidence, I find that this situation does satisfy the criteria specified in section 56(2)(a) of the Act. Because of the serious nature of the conduct in question and the results, I find that these circumstances also meet the second threshold under 56(2)(b) and I find it would be unreasonable, or unfair to the landlord or other occupants of the residential property to wait for a notice to end the tenancy under section 47 *[landlord's notice: cause]* to take effect. I find that the landlord and other residents feel at risk and the situation needs to be addressed in an urgent manner without further delay.

### **Conclusion**

Accordingly, I hereby order that this tenancy is ended and I grant the Landlord an immediate Order of Possession. This order must be served on the Respondent and may be filed in the Supreme Court and enforced as an order of that Court.

The landlord is entitled to retain \$50.00 to reimburse for the filing fee from the tenant's \$800.00 security deposit, the remainder of which should be administered according to section 38 of the Act.

August 2010

Date of Decision

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Dispute Resolution Officer