



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes ET

Introduction

This was an application by the landlord for an order ending the tenancy on a date earlier than the tenancy would end had a notice to end the tenancy for cause been given to the tenant, and for an Order for Possession. The hearing of the application for dispute resolution was conducted by conference call. The landlord and the tenant called in and participated in the hearing. The hearing commenced at 10:30 A.M. The tenant did not call in until 10:39 A.M.

Issues(s) to be Decided

Is the landlord entitled to an order for possession?

Background and Evidence

The rental unit is a basement suite in the rental property. The tenancy began July 1, 2010. The tenant and another woman, A.C. occupied the rental unit, but A.C. no longer resides at the rental unit. The landlord testified that less than two weeks after she moved into the rental unit, the tenant began receiving visitors at the rental unit for the purposes of prostitution. He testified that the tenant uses drugs and there are drug dealers visiting the rental unit, the landlord submitted statements from two other occupants of the rental property and I heard testimony from one of the occupants, R.T. She testified that she has lived in the suite adjacent to the rental unit since 2001.. R.T. testified that since the tenant moved in there have been all day and all night visits from

“johns” visiting the tenant. They have knocked on R.T.’s door at 2:00 A.M. looking for the tenant. She testified that the tenant has knocked on her door when she was high on some form of drug to demand a spoon. R.T. testified that she smelled a strong odour of crack-cocaine coming from the tenant’s rental unit. R.T.’s eight year old grand-daughter lives with her. She testified that the tenant has yelled at her grand-daughter when she was playing in the yard. R.T. said that it is unsafe for her grand-daughter to have the tenant living in the rental property. She has witnessed the tenant swearing at the landlord and treating him abusively.

The tenant denied all of the allegations made by the landlord, the witness and contained in statements. She said that her guests were all respectable people. She said that she was prepared to move out at the end of October, but not sooner. She denied using any drugs and denied that she engaged in prostitution. She said that the witness R.T. was a notorious “storyteller” and she and the other occupants hate the tenant. She suggested that the landlord wanted to evict her so his daughter could move into the rental unit.

Analysis and Conclusion

Section 56 (2) of the Act permits me to make an order specifying an earlier date for the end of a tenancy than would be the case had the landlord issued a one month notice to end a tenancy for cause, only if I am satisfied that, among other matters, the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord of the rental property and 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. Section 56 (3) of the Act provides that: If an order is made under this section, it is unnecessary for the landlord to give the tenant a notice to end the tenancy.

I did not find the tenant’s bald denials convincing. I found the evidence of the landlord and the witness R.T. to be credible and I find on the evidence presented that there are unsavoury visitors attending at the rental unit at all hours, likely for the purpose of

prostitution and drug dealing. I find that the other occupants of the rental property justifiably feel threatened, disturbed and insecure as a consequence of these activities.

The evidence of the landlord has satisfied me that the tenant has significantly interfered with or unreasonably disturbed the other occupants and 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 to take effect. Accordingly I order the tenancy to be at an end effective today, September 8, 2010 and I find that the landlord is entitled to an order for possession effective two days after service on the tenant. This order may be filed in the Supreme Court and enforced as an Order of that Court.