



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

ET, FF

Introduction

This hearing dealt with an application by the landlord pursuant to section 56 of the *Residential Tenancy Act*, for an order to end the tenancy early and obtain an order of possession. The landlord also applied for the filing fee.

The landlord testified that he served the tenant with the notice of hearing and application for dispute resolution on October 05, 2010, by registered mail. The landlord provided a tracking number. The tenant did not participate in the conference call hearing. I found that the tenant had been served with notice of the landlord's claim and the hearing proceeded in the tenant's absence.

Issues to be Decided

Is the landlord entitled to end the tenancy early? Is the landlord entitled to the recovery of the filing fee?

Background and Evidence

The tenancy started on September 01, 2009. The rental unit is located in an apartment building. The monthly rent is \$500.00 payable on the first of each month. Prior to moving in, the tenant paid a security deposit of \$150.00.

The landlord testified that the occupants of the building regularly complained of the smell of marijuana emanating from the rental unit and disturbances caused by the tenant and her visitors. The landlord gave the tenant several warnings before serving her with a notice to end tenancy for cause on September 05, 2010. The effective date of the notice is October 31, 2010. The tenant did not dispute the notice.

On October 01, the tenant's boyfriend was in possession of a knife and challenged another occupant of the building to come outside to fight. The Police were called and the landlord provided a police file number. Other occupants expressed fear for their safety. The landlord has applied for an order to end tenancy October 31, 2010.

Analysis

Based on the above facts and in the absence of any contradictory evidence, I am satisfied that the tenant's behaviour and involvement in illegal activity has seriously jeopardized the landlord's property and the safety and security of other occupants and unreasonably disturbed other occupants and therefore I find that the landlord is entitled to an order of possession.

A formal order has been issued and may be filed in the Supreme Court and enforced as an order of that Court. I further order the tenant to pay to the landlord the sum of \$50.00 being the cost of the filing fee paid. The landlord may retain \$50.00 from the security deposit.

Conclusion

I grant the landlord an order of possession effective on or before 1:00 p.m. on October 31, 2010. The landlord may retain \$50.00 from the security deposit.

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: October 18, 2010.

Dispute Resolution Officer