

Decision

Dispute Codes: ET/OP, FF

Introduction

This hearing dealt with an application by the landlord for an early end to tenancy and an order of possession, in addition to recovery of the filing fee. The landlord participated in the hearing and gave affirmed testimony. Despite service of the application for dispute resolution and notice of hearing (the “hearing package”) by way of regular mail and by way of posting on the tenant’s door on November 1, 2010, the tenant did not appear.

Issues to be decided

- Whether the landlord is entitled to any of the above under the Act

Background and Evidence

Pursuant to a written tenancy agreement, a copy of which is not in evidence, the month-to-month tenancy began in approximately January 2010. Rent in the amount of \$300.00 is payable in advance on the first day of each month. No security deposit or pet damage deposit were collected.

Arising from the landlord’s report to police of “suspicious activity” at the unit, police attended the unit and found “Methamphetamine, equipment, laboratory glassware, and tools used to produce Methamphetamine, receipts, packaging materials” etc.

Subsequently, the landlord was unable with certainty to report on the status of the tenant with regard to police.

Analysis

Based on the affirmed and undisputed testimony of the landlord, I find that the hearing package was served in accordance with section 89 of the Act which speaks to service of documents, and in particular, **Special rules for certain documents**.

Section 56 of the Act speaks to **Application for order ending tenancy early**, and provides in part as follows:

56(2) The director may make an order specifying an earlier date on which a tenancy ends and the effective date of the order of possession only if satisfied, in the case of a landlord's application,

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

(iv) engaged in illegal activity that

(A) has caused or is likely to cause damage to the landlord's property,

(B) 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

(C) has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord;

(D) 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.

(3) If an order is made under this section, it is unnecessary for the landlord to give the tenant a notice to end the tenancy.

Again, based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenant “has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord.” Accordingly, I find that the landlord has established entitlement to an early end to tenancy and an order of possession.

As the landlord has succeeded in this application, I find he is also entitled to recover the filing fee; I therefore hereby grant a monetary order in favour of the landlord in the amount of \$50.00.

Conclusion

I hereby issue an order of possession in favour of the landlord effective not later than **two (2) days** after service upon the tenant. This order must be served on the tenant. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

Pursuant to section 67 of the Act, I hereby issue a monetary order in favour of the landlord in the amount of \$50.00. Should it be necessary, this order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

DATE: November 15, 2010

Dispute Resolution Officer