



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## DECISION

Dispute Codes      ET

### Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking an early end to tenancy.

The hearing was conducted via teleconference and was attended by the landlord's only.

This matter had originally been set to be heard on Thursday, December 2, 2010 at which time the female tenant attended and the landlords did not. However, this resulted from administrative errors made by the Residential Tenancy Branch.

As a result, a new hearing was set for this date. The landlords testified and provided written confirmation that the male landlord served the tenants with notice of this hearing by posting the notice on the door to the rental unit at 1:45 p.m. on December 6, 2010 and that this service was witnessed by a local police officer.

The male landlord further testified that he had seen the female tenant on Wednesday, December 8, 2010 who confirmed to him that she had received the notice for the hearing.

I accept that the tenants have been sufficiently served with notice of this hearing in accordance with the *Residential Tenancy Act (Act)*.

### Issues(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession to end the tenancy earlier than would be allowed if required to issue a 1 month notice, pursuant to Section 56 of the *Act*.

### Background and Evidence

The tenancy began on July 1, 2010 as a month to month tenancy for a monthly rent of \$875.00 due on the 1<sup>st</sup> of the month and security deposit of \$437.00 was paid. There are two other rental units currently occupied on the residential property.

The landlord contends that the tenants have engaged in illegal activity that has caused or is likely to cause damage to the property and adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well being of another occupant.

The landlord contends the tenants have engaged in an operation to sell stolen goods on the property. The methods used by the tenants are that they will “buy” stolen products from drug users by providing the users with drugs and then reselling the stolen articles for money.

As a result the landlord asserts that there are comings and goings through all hours of the day and night that put the other tenants at potential risk of harm.

The landlord has also submitted documentation from the local police confirming that the male tenant has in his possession, among other things, several firearms (17) that the tenant is prohibited from having in his possession by reason of an order made pursuant to Section 109(1) of the Criminal Code.

The landlord also testified that when he had been speaking to the police regarding the need to serve the tenant with notice of this hearing, the police officer offered and then attended with the landlord to serve the tenant out of concern for the safety of the landlord.

### Analysis

Section 56 of the Act allows a landlord to end a tenancy earlier than the tenancy would end if notice to end the tenancy were given under Section 47 (1 Month Notice to End Tenancy for Cause), if the tenant has engaged in an illegal activity that has caused or is likely to cause damage to the property and adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well being of another occupant and that it would be unreasonable or unfair to the landlord or other occupants of the residential tenancy property to wait for such a notice to take effect.

I find the landlord has sufficiently established that the tenants have engaged illegal activity that puts the other occupants, in particular, at extreme risk for their safety, security and quiet enjoyment.

Conclusion

I find that the landlord is entitled to an Order of Possession effective **two days after service on the tenants**. This order must be served on the tenants 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: December 10, 2010.

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Dispute Resolution Officer