



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes ET, FF

Introduction:

This is the Landlord's application for an early end to the tenancy and an Order of Possession and to recover the cost of the filing fee from the Tenants.

The Landlords gave affirmed testimony at the Hearing.

The Landlord's agent testified that on December 10, 2010, at approximately 2:00 p.m., he personally handed the Notice of Hearing Documents to one of the Tenants (Tenant #1) at the rental unit. The Landlord's agent testified that he had a subsequent conversation with all of the Tenants and advised them of the Hearing date, time and the importance of them signing into the Hearing.

Based on the affirmed testimony of the Landlord's agent, I am satisfied that Tenant #1 was duly served with the Notice of Hearing documents in accordance with the provisions of Section 89(1)(a) of the Act. The Landlord has not proven service of the Notice of Hearing documents on the other Tenants. Despite being served with the documents, Tenant #1 did not sign into the teleconference and the Hearing continued in his absence.

Issue to be Determined:

Has the landlord shown that there is cause to end this tenancy and that it would be

unreasonable or unfair to wait for a one month Notice to End Tenancy under the *Act* to take effect?

Background and Evidence:

The Landlord JY testified that he was afraid to go to the rental property because of threats the Tenants have made to physically harm him.

The Landlord's agent testified that the Tenants and persons invited to the rental property by the Tenants have threatened to harm the Landlord. He believes that the Tenants and other tenants in the building are involved in the drug trade. The other rental unit had an incident involving gunfire between the unit and the alleyway.

He stated that the Police attended at the rental unit on December 3, 2010, to inspect the rental unit because the hydro had been compromised. The Tenants had run an extension cord from the rental unit to another suite in the rental property. The electrical cord was causing sparks. The Police knocked on the Tenants' door, but no one would let them in so they kicked the door down. An unknown person was on the other side of the barricaded door. The unknown person was aggressive towards the Police, who pulled a tazer. The Tenants were hiding in one of the bedrooms.

The Landlord's agent testified that on December 16, 2010, he went to the rental unit to talk to the Tenants and confirm that they were all aware of the Hearing today. As he was leaving the building, he observed several other unknown people enter the rental unit and leave quickly. The Landlord's agent believes the people were buying drugs from the Tenants.

The Landlord's witness testified that he is a Bylaw Inspector for the City and has held that job for 12 years. He testified that he has been to the building 5 times over the past 5 months, and to the rental unit twice (October 7, 2010 and November 29, 2010). He was at the rental unit to investigate a complaint of no power. He stated that the rental

unit was badly damaged, with holes in the walls, broken windows, and heaters ripped off the walls. He stated that there were many people coming and going from the rental unit and that in his experience, it appeared that there was prostitution and drug trade going on in the rental unit.

Analysis:

In making an application for an early end to this tenancy the landlord has the burden of proving that there is cause for ending the tenancy, such as unreasonably disturbing other occupants, seriously jeopardizing the health and safety or lawful right or interest of the landlord and placing the landlord's property at significant risk, and by proving that it would be unreasonable or unfair to the landlord or other occupants to wait for a one month Notice to End Tenancy for cause under Section 47 of the *Act* to take effect.

I accept the Landlord's and the Landlord's agent's affirmed testimony that the Tenants have threatened to physically harm the Landlord. Tenant #1, though duly served, did not sign into the Hearing to dispute the Landlords' testimony.

Based on the undisputed affirmed testimony Landlords, I am satisfied that the Landlords have proven that there is cause to end the tenancy and that it would be unreasonable or unfair to the Landlords to wait for a one month Notice to End Tenancy for cause to take effect.

I hereby provide the Landlord with an Order of Possession effective **2 days after service of the Order upon the Tenants.**

Conclusion:

I hereby provide the Landlord an Order of Possession **effective two days from service of the Order upon Tenant #1.** This Order must be served on the Tenant and may be filed in the Supreme Court of British Columbia 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 17, 2010.
