



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes ET

Introduction

This was an application by the landlord for an early end of tenancy and an immediate order for possession. The hearing was conducted by conference call. The landlord and the tenant participated in the hearing and I heard from the landlord's two witnesses.

Issue(s) to be Decided

Is the landlord entitled to an order for possession?

Background and Evidence

The rental unit is a house in Surrey. I heard evidence from the landlord and his witnesses that there is a constant traffic of visitors to and from the house that the police have attended the house on an almost daily basis. The house has been raided by the police. The doors were broken by the police because the occupants refused entrance to the police. I heard testimony from the landlord's witness, A.J., who owns a nearby house, that stolen cars have been left at the rental property and retrieved by police on several occasions and that the large number of visitors to the property are clearly buying, selling and using drugs at the rental property.

The witness J.S. who lives several doors from the rental property testified that he has been offered drugs for sale and has been propositioned by prostitutes operating out of the rental property. The landlord testified that after the police raided the house and broke down the doors he was able to inspect the house. He said that the house was extensively damaged; interior doors had been removed and there were at least nine large holes in the walls.

The tenant said that the damage in the house was caused by the police and it was not her fault. She said there was no drug trafficking at the rental property there were only drugs users. According to the tenant she should not be evicted because, according to her using illicit drugs is not illegal.

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 or a person permitted on the residential property by the tenant has put the landlord's property at significant risk 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.

The evidence of the landlord has satisfied me that the tenant or another occupant has put the landlord's property at significant risk 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, December 23, 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.

Dated: December 23, 2010.
