



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **DECISION**

Dispute Codes      CNC

### Introduction

This hearing dealt with an application by the tenant for an order setting aside a notice to end this tenancy. Both parties participated in the conference call hearing.

At the hearing, the named respondent advised that his first name was \* rather than \*, as had been listed on the Application for Dispute Resolution. I find it appropriate to amend the application to reflect the correct name of the landlord and style of cause reflects this amendment.

### Issue to be Decided

Does the landlord have grounds to end this tenancy?

### Background and Evidence

The landlord testified that he served the tenant with a one month notice to end tenancy for cause (the "Notice") on January 8, 2011. The Notice alleges that the tenant has engaged in illegal activity which has or is likely to jeopardize a lawful right or interest of another occupant or the landlord. The landlord testified that he was advised by the police that on or about January 3 a marijuana grow operation was discovered at the tenant's home and that the tenant had been arrested. The landlord testified that he is concerned that the illegal activity would have an effect on the rest of the mobile home park as his other tenants have the right to live in a crime free environment.

The tenant did not appear at the hearing but his counsel stated that the tenant had advised that he had been renting the manufactured home to sub-tenants who had operated a grow-op.

### Analysis

There is no dispute that a grow-op was in place at the rental unit. I find that the presence of a grow-op is likely to jeopardize the landlord's lawful right or interest and I

find that the landlord therefore has grounds to end the tenancy for cause. I therefore dismiss the tenant's application for an order setting aside the Notice.

During the hearing the landlord made a request under section 55 of the legislation for an order of possession. Under the provisions of section 55, upon the request of a landlord, I must issue an order of possession when I have upheld a notice to end tenancy. Accordingly, I so order. The tenant must be served with the order of possession. 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.

The landlord stated that he would be willing to extend the tenancy to give the tenant opportunity to market and sell his manufactured home on the condition that the tenant not reside in the home and continue to pay pad rent while the home stayed on the manufactured home site. The tenant has paid rent through February 15, 2011 and the order of possession may not be enforced any earlier than that date and enforcement should be held in abeyance for a reasonable period of time while the tenant actively attempts to sell the manufactured home and does not reside therein.

#### Conclusion

The tenant's application is dismissed. The landlord is granted an order of possession.

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: February 02, 2011

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Residential Tenancy Branch