



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes ET, FF

Introduction

This conference call hearing was convened in response to the landlord's application for an Order of Possession to end a tenancy early and to recover the filing fee associated with this application.

The landlord participated in the hearing and provided affirmed testimony. He testified that he served the Notice of a Dispute Resolution Hearing to tenant C.J.C. in person on March 31st, 2011, and explained the procedures for calling in to the conference. The landlord stated that tenant C.J.C. said she would appear. None of the tenants participated and the hearing proceeded in the tenants' absence.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to recover the filing fee?

Background and Evidence

The rental unit consists of a single detached home. Pursuant to a written agreement, the month to month tenancy started on June 1st, 2010. The monthly rent of \$900 was payable on the first of each month and the tenants paid a security deposit of \$450.00.

The landlord applied to end the tenancy early on the basis of the tenants' use of the rental unit for prostitution and continual drug activity. In his documentary evidence, the landlord provided four letters from the City of Mission dated October 12th, 2010, November 5th, 2010, February 11th, 2011, and February 15th, 2011 to the tenants concerning the untidy condition of the property and for its number of occupants in violation of the zoning by-law. The landlord provided two supporting letters of complaint from neighbours dated February 4th, and February 18th, 2011, and eight municipal tickets totalling \$1600.00 in fines issued to the tenants between November 2010 and February 2011 for prohibited "flop" house and discarded materials

The landlord testified that the property is heavily frequented by drug users and prostitutes. He stated that he addressed this issue with tenant C.J.C. on March 24th, 2011, and that she replied that she houses them because they have no other place to go. Witness D.P. testified that he received numerous occurrence reports from the downtown ambassadors, and that the property has been under police observation for the past eight months. D.P. provided 20 reports between January and March 2011 in which he described incidents related to drug use, disturbances, and drug users and prostitutes at the residence. He stated that several of these individuals have been charged for related offences during that time frame.

In his documentary evidence, the landlord also provided a copy of a 1 Month Notice to End Tenancy served on tenant C.J.C. by the owner, C.L., on February 18th, 2011, effective March 20th, 2011, for allowing an unreasonable number of occupants in the unit. C.J.C. signed the notice and stated "I have read but don't agree".

Analysis

I accept the landlord's undisputed testimony that he served the tenant with the Notice of Dispute Resolution in a proper manner pursuant to section 89 of the *Residential Tenancy Act*. I find that the tenant knew, or ought to have had knowledge of the date scheduled for this hearing.

Section 56(2) of the Act provides in part that the director may make an order to end a tenancy early if the tenant has engaged in illegal activity that has caused or is likely to cause damage to the property or has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord; and if it would be unreasonable or unfair to the landlord to wait for a notice to end tenancy under section 47 to take effect.

On the preponderance of the evidence I am satisfied that this tenancy represents a significant risk to the landlord for the reasons mentioned above. Therefore I find that the landlord has grounds to end this tenancy early and that he is entitled to an order of possession.

Conclusion

I grant the landlord an Order of Possession effective two days from the date the order is served upon the tenant. This Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

Since he was successful, the landlord is entitled to recover the \$50.00 filing fee which I authorize him to deduct from the security deposit.

The landlord made an application for dispute resolution regarding the 1 Month Notice to End Tenancy. The landlord is at liberty to decide whether to withdraw this application.

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: April 06, 2011.

Residential Tenancy Branch