



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes ET, FF

Introduction

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order to end a tenancy early and an Order of Possession - Section 56;
2. An Order to recover the filing fee for this application - Section 72.

I accept the Landlord’s evidence that the Tenant was served with the application for dispute resolution and notice of hearing by posting a copy on the door of the Tenant’s unit in accordance with Section 89 of the Act. The Tenant did not participate in the conference call hearing.

The Landlord was given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is there sufficient cause to end the tenancy early?
Is the landlord entitled to an Order of Possession?
Is the Landlord entitled to recovery of the filing fee?

Background and Evidence

The tenancy of a fully furnished apartment began on March 7, 2011. At the outset of the tenancy, the Landlord collected a security deposit from the Tenant in the amount of \$1,350.00. On March 17, 2011, the Landlord received a call from the police notifying

her that the Tenant was under arrest, a criminal investigation was being undertaken and the unit had been secured for search purposes. The police later advised the Landlord that the investigation was prompted by a call that a fight was taking place inside the unit and that the Tenant had been charged with a criminal offence. The police also informed the Landlord that the Tenant's computers had been confiscated, that the Tenant had been released from jail on March 25 and, that it was likely that the Tenant had abandoned the unit. The Landlord was able to gain entry to the unit by March 27 and noted a search warrant taped to the fridge that indicated the Tenant was also being investigated for operating a common bawdy house inside the unit. The Landlord found only a few items of clothing and a bit of food at the unit along with significant damage to the bedroom door, bathroom and microwave.

Analysis

Section 56 of the Act provides for a tenancy to end earlier than it would end if a notice to end tenancy were given (a "Notice"). Such an order may be given, upon application by a landlord, if the tenant has engaged in illegal activity that has caused or is likely to cause damage to the landlord's property and it would be unreasonable or unfair to the landlord to wait for a Notice to take effect.

Given the evidence of police investigation, criminal charges and damages to the unit, I find on a balance of probabilities that the Tenant has engaged in illegal activity that has caused damage to the landlord's property. Further, given the police information, it appears likely that the Tenant has abandoned the unit and it would be unreasonable for the Landlord to wait for a Notice to take effect.

Accordingly, I find the Landlord has provided sufficient evidence of cause to end the tenancy early and that the Landlord is entitled to an **Order of Possession, effective immediately**. The Landlord is also entitled to recovery of the \$50 filing fee, and the Landlord may deduct this amount from the security deposit.

Conclusion

I grant an Order of Possession to the Landlord, effective immediately. 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.

I order that the Landlord retain \$50.00 from the **deposit** in satisfaction of the claim to recover the filing fee.

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 07, 2011.

Residential Tenancy Branch