



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 dealt with the landlord's Application for Dispute Resolution seeking an order of possession.

The hearing was conducted via teleconference and was attended by the landlord only. The tenant did not attend.

The landlord testified he served the tenant in person with notice of this hearing on April 1, 2011 and that this service was witnessed by a third party.

I accept the tenant was served sufficiently for the purposes of this hearing.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession to end the tenancy early and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 56, 67, and 72 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The landlord provided a copy of a tenancy agreement signed by the parties on March 14, 2004 for a 5 year fixed term tenancy beginning on March 15, 2004 that converted to month to month tenancy on March 16, 2009.

The landlord also provided a copy of a letter from the local Senior By-law Enforcement Officer describing an RCMP and BC Hydro search of the dispute address that uncovered a controlled substance grow operation and a subsequent bill to the landlord to recover costs associated with the grow operation.

Analysis

Section 56 of the *Act* allows a landlord to request an order of possession to end a tenancy earlier than would take effect if the landlord issued a notice to end tenancy under Section 47 (1 month notice), if it would be unreasonable or unfair to the landlord of the residential property to wait for a notice to end the tenancy to take effect.

Based on the tenant's activities confirmed by the letter from the Senior By-law Enforcement Officer, I find the landlord has established sufficient cause to end the tenancy in accordance with Section 56.

Conclusion

I find that the landlord is entitled to an Order of Possession effective **two days after service on the tenant**. This order must be served on the tenant and may be filed in the Supreme Court and enforced as an order of that Court.

I find that the landlord is entitled to monetary compensation pursuant to Section 67 and grant a monetary order in the amount of **\$50.00** comprised of the fee paid by the landlord for this application.

This order must be served on the tenant and may be filed in the Provincial Court (Small Claims) 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: April 14, 2011.

Residential Tenancy Branch