



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Code: ET

Introduction:

This is the Landlord's application for an early end to the tenancy and an Order of Possession.

Both parties signed into the teleconference and gave affirmed testimony at the Hearing.

The Landlord testified that he personally served the Tenant ND with the Notice of Hearing and copies of his documentary evidence on June 30, 2011. The Landlord testified that he was not able to personally serve the Tenant LH with the Notice of Hearing documents, so he mailed the documents to the Tenant LH at the rental unit. Based on the testimony of the Landlord, I find that the Tenant ND was duly served with the documents pursuant to the provisions of Section 89(1)(a) of the Act. The Tenant LH was not served in accordance with the provisions of Section 89 of the Act and therefore the Landlord's application against the Tenant LH is dismissed.

Issue to be Determined:

Has the Landlord shown that there is cause to end this tenancy and that it would be unreasonable or unfair to wait for a one month Notice to End Tenancy under the *Residential Tenancy Act* (the "Act") to take effect?

Background and Evidence:

The Landlord gave the following testimony:

The tenancy started on December 1, 2010. The rental unit has been occupied by a number of different tenants over the course of the past 6 months. The current tenants remaining are the Tenant ND and the Tenant LH. The Landlord believes the Tenants may be making crystal meth in the rental unit.

The Landlord's witness DS gave the following affirmed testimony:

- The witness is a police officer with 10 years experience, including being a member of the Emergency Response Team.
- The witness had evidence that the Tenants were involved in drug trafficking and theft and as a result of the evidence obtained a search warrant for the rental unit.
- The warrant was executed and charges were laid against the Tenants, including a charge of trafficking in crystal methamphetamine.
- In the witness's experience, this type of criminal activity causes a stream of people with a similar life style to gather at the rental unit. Violence can break out and innocent people can get hurt. The witness believes that this kind of criminal activity puts all occupants of the rental property, including children, at risk.
- On June 9, 2011, the witness saw a male trying to get into the rental property. When questioned, the male told the witness that he was looking for the Tenant ND. The male was later identified as a person who was recently arrested for bank robbery and manslaughter.

The Tenant gave the following testimony:

The Tenant adamantly denied making crystal meth in the rental unit. She stated that since the arrests, the rental unit has been quiet and that she is trying to find another place to live.

Analysis:

In making an application for an early end to this tenancy the Landlord has the burden of proving that there is cause for ending the tenancy early, such as unreasonably disturbing other occupants; seriously jeopardizing the health and safety or lawful right or interest of the landlord or another occupant; and placing the landlord's property at significant risk. The Landlord must also satisfy me that it would be unreasonable or unfair to the Landlord or other occupants to wait for a one month Notice to End Tenancy for cause under Section 47 of the Act to take effect.

Based on the affirmed testimony and documentary evidence of the Landlord, I am satisfied that the Landlord has proven that the Tenant ND, or a person allowed on the rental property by the Tenant ND, has seriously jeopardized the health and safety or lawful right or interest of the Landlord or another occupant; and placed the Landlord's property at significant risk and that it would be unreasonable or unfair to the Landlord and the other occupants of the building to wait for a one month Notice to End Tenancy for cause to take effect.

I order that the end-of-tenancy date is today, July 8, 2011, and find that the Landlord is entitled to an Order of Possession effective **2 days after service of the Order upon the Tenant ND.**

Conclusion:

I hereby provide the Landlord an Order of Possession **effective two days from service of the Order upon the Tenant ND.** This Order must be served on the Tenant ND and may be filed in the Supreme Court of British Columbia 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: July 08, 2011.

Residential Tenancy Branch