

DECISION

Dispute Codes ET, FF

Introduction

This is an application filed by the Landlord to end the Tenancy Early and obtain an order of possession and recovery of the filing fee.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant did not attend.

The Landlord gave direct testimony that the Tenant was personally served with the notice of hearing documents on September 15, 2011 and has provided proof of service witnessed by a third party.

I accept that the Tenant was sufficiently served with the notice of hearing documents.

Issue(s) to be Decided

Is the Landlord entitled to an early end to tenancy and to obtain an order of possession pursuant to section 56 of the Residential Tenancy Act? And recovery of the filing fee pursuant to section 72 of the Act?

Background and Evidence

The Landlord has provided a copy of the signed tenancy agreement between the two parties which started on June 15, 2011 on a month to month basis. The monthly rent is \$875.00 payable on the 1st of each month. A security deposit of \$437.50 was paid on June 15, 2011.

The Landlord states that the Victoria Police executed a search warrant on the rental address on September 8, 2011 searching for illegal drugs. The police, "smashed thru the doors and windows of unit 101 and 119 on suspicion that the residents were dealing drugs." The Landlord has submitted photographs of the damaged door and windows which required complete replacement. The Landlord has also submitted receipts for the replacement costs of \$453.00 for the windows and \$1,000.00 for the door. The Landlord states that, "a huge cache of stolen goods and a veritable drugstore of almost

every kind of illicit substances,” was found in the rental unit. The Landlord has provided a press release from the Victoria Police Department and an article from the Times Colonist to support this claim. The news article also states that, “a flak jacket and taser device” was recovered by the Police at the rental. The Landlord states that this is of a huge concern for the safety of other Tenants in the building.

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 tenancy to take effect.

Based upon the Landlord’s undisputed testimony on the Tenant’s activities at the rental unit, I find that the Landlord has established sufficient cause to end the Tenancy in accordance with Section 56. The Landlord is entitled to an order of possession effective two days after service on the Tenant. 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.

I find that the Landlord having been successful in the application is entitled to recovery of the \$50.00 filing fee. I order that the Landlord may retain \$50.00 from the \$437.50 security deposit currently held in trust by the Landlord.

Conclusion

The Landlord’s application to an early end to tenancy is granted.
The Landlord is granted an order of possession.
The Landlord may retain \$50.00 from the security deposit.

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: September 22, 2011.

Residential Tenancy Branch