



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FF

Introduction

This matter dealt with an application by the Landlord for an Order ending the tenancy earlier than it would end if the Landlord was required to serve the Tenant with a One Month Notice to End Tenancy for Cause and wait for the applicable notice period to expire. The Landlord also applied to recover the filing fee for this proceeding.

Issue(s) to be Decided

1. Does the Landlord have grounds to end the tenancy?

Background and Evidence

This tenancy started approximately 10 years ago. The Landlord's agent said that on December 12, 2011 she read an article in a local newspaper about a search warrant being executed on a property in an area in which the Landlord owned rental units. The newspaper article stated that as a result of one of those warrants, the police found illegal drugs, weapons and a quantity of cash. A person at the property was taken into custody and later released.

The Landlord's agent said she contacted the RCMP on December 12, 2011 to confirm if the property in question was one owned by the Landlord and was advised that it was. The Landlord's agent said the RCMP member could not confirm if the person arrested was the Tenant or not. The Landlord's agent argued that if the rental property was being used for selling drugs, there was a risk of violence and therefore a risk to the safety of the property, employees of the Landlord and neighbouring properties.

Analysis

Section 63(2) of the Act says that "if the parties settle their dispute during dispute resolution proceedings, the director may record the settlement in the form of a decision or Order.

During the hearing, the Parties agreed to end the tenancy on January 15, 2012 and further agreed that the Landlord would receive an Order of Possession to take effect on that date.

Conclusion

An Order of Possession to take effect at 1:00 p.m. on January 15, 2012 has been issued to the Landlord pursuant to s. 55(2)(d) of the Act. The Order must be served on the Tenant and may be enforced in the Supreme Court of British Columbia.

As this matter was resolved by way of agreement, I find that it would not be appropriate to order that the Tenant bear the cost of the filing fee for this proceeding and the Landlord's application to recover the filing fee is accordingly dismissed without leave to reapply. 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: December 22, 2011.

Residential Tenancy Branch