



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

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### Introduction

This matter dealt with an application by the Landlord to enforce a term of the Tenants' respective tenancy agreements that "*the tenant agrees to vacate without notice if the landlord discovers illegal drug use or illegal drug dealing.*" The Landlord also sought to enforce written notices to end the tenancy apparently signed by each of the Tenants on March 4, 2012. The oral hearing via teleconference started at 10:30 a.m. as scheduled, however by 10:40 a.m. none of the Parties had dialled into the conference call. As there has been no hearing into the merits of the Landlord's application, it is dismissed with leave to reapply *with the following caution.*

Section 47 of the Act says that a Landlord may end a tenancy by giving a Tenant a One Month Notice to End Tenancy for Cause if the Tenant has done one or more of the acts or omissions listed under that section. Section 5 of the Act says that Landlords and Tenants may not avoid or contract out of the Act or regulations and if they do, the term(s) of the agreement in question is unenforceable. Similarly, section 3 of the Regulations to the Act says that a term of a tenancy agreement is "unconscionable" if the term is oppressive or grossly unfair to one party. RTB Policy Guideline #8 describes in greater detail the circumstances under which a term may be found be unconscionable.

As this matter has not been dealt with on its merits, I make no finding as to whether the term of the tenancy agreement that purports to contract out of s. 47 of the Act is unenforceable or unconscionable. Landlord may wish to obtain further information regarding these matters especially if applications of a similar nature are necessary in the future.

### Conclusion

The Landlord's application is dismissed with 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: March 26, 2012.

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Residential Tenancy Branch