



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

This hearing dealt with the landlords' Application for Dispute Resolution seeking an order of possession to end the tenancy early.

The hearing was conducted via teleconference and was attended by one of the landlord's and her assistant.

The landlord testified she served the tenant with the notice of hearing documents and their Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* personally on April 11, 2012 in accordance with Section 89.

Based on the testimony of the landlord, I find that the tenant has been sufficiently served with the documents pursuant to the *Act*.

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 without a 1 Month Notice to End the Tenancy for Cause, pursuant to Section 56 of the *Act*.

Background and Evidence

The landlord testified the tenancy began with only the named respondent to this Application on September 1, 2011 as a month to month tenancy for a monthly rent of \$550.00 due on the 1st of each month with a security deposit of \$275.00 paid.

The landlords have submitted written confirmation from the local RCMP Major Crime Section acting non-commissioned officer in charge confirming that a person allowed on the property by the tenant was charged with two counts of uttering threats and two counts of making or possessing explosives arising from an incident at the landlord's residence on March 24, 2012.

The landlord testified that she is not certain but she believes the person allowed on the property was the tenant's boyfriend who has been staying with her throughout the tenancy.

The landlord also testified on March 24, 2012 they were evacuated by police along with neighbours on both sides of the rental unit while they dealt with explosives in the rental unit. The landlord stated that the charges of uttering threats are not related to any threats made specifically against the landlords.

Analysis

Section 56 of the *Act* allows a landlord request, through making an Application for Dispute Resolution, to end a tenancy earlier than the tenancy would end if a 1 Month Notice to End Tenancy for Cause were to be issued if one or more of the following applies:

- a) The tenant or a person permitted on the residential property by the tenant has
 - i. Significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property,
 - ii. Seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant, or
 - iii. Put the landlord's property at significant risk; and
- b) It would be unreasonable, or unfair to the landlord or other occupants of the residential property, to wait for a 1 Month Notice to End Tenancy for Cause to take effect.

I accept from the undisputed testimony of the landlord that the tenant allowed an occupant on the residential property and that that explosives were found in the rental unit as a result. Due to the potential threat to the landlord and the landlord's property the landlord has establish sufficient cause to end the tenancy.

I also find that as result of the seriousness of the charges laid against the person allowed onto the property by the tenant it would be unreasonable to the landlord to wait for a 1 Month Notice to End Tenancy for Cause.

Conclusion

For the reasons noted above, I find the landlord is entitled to an order of possession effective **immediately after service on the tenant**. This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be 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 20, 2012.

Residential Tenancy Branch