



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 an application by the landlord seeking an early end of tenancy and for an order of possession. The landlord participated in the conference call hearing but the tenant(s) did not. The landlord presented evidence that the tenants were served with the application for dispute resolution and notice of hearing by having a witness present when the tenant's were personally served on April 21, 2012. I found that the tenants had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence. The landlords representatives gave affirmed evidence.

Issues to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

The landlord's representatives gave the following testimony;

The landlord issued a One Month Notice to End Tenancy for Cause on March 29, 2012 with an effective date of April 30, 2012; the notice was served by having a witness present when it was personally served on the tenants, the landlords were successful in evicting a different group of tenants from another unit through the dispute resolution process, those tenants then moved into the subject unit of this hearing, the tenants with the previously evicted tenant's began to engage in drug trafficking from the unit that required the emergency response team of the local police to become involved and

charges have been laid, in addition to this activity, the representatives have personally observed the now “group of tenants”; urinating in the elevators, damaging a plate glass door by pulling it right off its hinges, kicking holes in the walls of the common area, making threats of bodily harm to the property manager, having over a dozen people staying in a one bedroom unit, hoarding garbage in the unit by bringing shopping carts of debris to the unit, and having the police attend on multiple occasions .

The property manager also testified that she and other occupants of this 54 unit complex have become fearful of these tenants and seek to have the tenancy end as soon as possible.

The notice the landlord served on March 29, 2012 was not contested by the tenants.

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, such as unreasonably disturbing other occupants, seriously jeopardizing the health and safety or lawful right or interest of the landlord and placing the landlords property at risk, **and** by proving 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 testimony of the landlord’s representatives and the supporting documentation I am satisfied that the landlord has met the burden of proof as required and this tenancy is to be terminated.

The One Month Notice to End Tenancy for Cause dated March 29, 2012 with an effective date of April 30, 2012 remains in full effect and force.

Based on the above facts I find that the landlord is entitled to an order of possession. 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.

Conclusion

The landlord is granted an order of possession. The tenancy is terminated.

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: May 01, 2012.

Residential Tenancy Branch