



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *ET, FF*

Introduction

This hearing dealt with an application by the landlord pursuant to section 56 of the *Residential Tenancy Act*, for an order to end the tenancy early and obtain an order of possession. The landlord also applied for the filing fee.

The landlord testified that he served the tenant with the notice of hearing and application for dispute resolution on May 03, 2012, by handing it over to her, in person. The tenant did not participate in the conference call hearing. I found that the tenant had been served with notice of the landlord's claim and the hearing proceeded in the tenant's absence.

Issues to be Decided

Is the landlord entitled to end the tenancy early? Is the landlord entitled to the recovery of the filing fee?

Background and Evidence

The tenancy started in November 2010. The rental unit is located on the lower level of the landlord's home. The landlord lives upstairs. The monthly rent is \$820.00 payable on the first of the month. Prior to moving in the tenant paid a security deposit of \$410.00.

The landlord testified that in the early morning of April 10, 2012, the tenant was involved in a drug related shotgun shooting inside the rental unit. The police contacted the landlord and informed him that the rental unit has been the focus of several police involved incidents and has been used in an ongoing manner as an instrument of unlawful activity.

In a written notice to the landlord dated April 19, 2012, the police reminded him of his obligation to ensure that the property is not being used to facilitate drug related criminal events. Details of six incidents involving the police starting from December 2011 are included in the notice.

The landlord served the tenant with a one month notice to end tenancy on April 26, 2012.

Analysis

Based on the above facts and in the absence of any contradictory evidence, I am satisfied that the tenant's behaviour and activities have seriously jeopardized the safety and security of the landlord who lives in the same house. In the circumstances it would be unreasonable and unfair to require the landlord to wait for a notice to end the tenancy under s. 47 to take effect and therefore I find that the landlord is entitled to an order for possession.

A formal order has been issued and may be filed in the Supreme Court and enforced as an order of that Court. I further allow the landlord to retain \$50.00 from the security deposit towards the recovery of the filing fee paid.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenant. 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: May 10, 2012.

Residential Tenancy Branch