



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 for an order ending the tenancy early and an order of possession. The landlord also requested recovery of the filing fee from the tenant.

Both parties attended the conference call hearing and gave affirmed testimony.

Issue(s) to be Decided

Is the landlord entitled to any of the above under the Act.

Background and Evidence

This fixed term tenancy began April 21, 2012 with monthly rent of \$875.00 and the tenant paid a security deposit of \$437.50.

The landlord testified that on the morning of June 19, 2012 they were in the underground parking with BC Hydro having the meters read and noticed water dripping thorough the ceiling. The landlord stated that they went upstairs to investigate the leak and ran into the tenant from unit 102 who said he had water leaking into his bathroom. The landlord then attempted to contact the tenant in unit 202 however he was not answering. Due to the urgent nature of the situation the landlord then entered unit 202 and found that the tenant had set up a marijuana grow operation and the water was coming from the irrigation that had been set up.

The landlord stated that the tenant had pots of plants growing, had attached a venting unit through the wall and had water lines run to the 'grow-op'. The landlord stated that they immediately contacted the police and a plumber; both whom attended. The landlord stated that apart from the illegal activity going on in the rental unit that the tenant has caused an extensive amount of damage to the rental unit.

The tenant testified that 'what happened, happened', he was growing marijuana in the rental unit and the tenant requested to stay in the rental unit as a tenant. The tenant

also stated that there was no real damage to the rental unit as a result of the illegal marijuana grow operation. The tenant then requested extra time to vacate and the landlord denied both the request to continue the tenancy or to allow the tenant more time to vacate.

Analysis

Section 56 of the Act states that a landlord may request an order ending a tenancy on a date that is earlier than the tenancy would end if notice to end the tenancy were given for cause under Section 47. Upon receipt of such an application, the director may make an order specifying an earlier date on which a tenancy ends and the effective date of an order of possession for the rental unit only if the director is satisfied that certain conditions exist. These conditions are listed in Section 56(2) of the Act.

In the present case the landlord has applied for an order ending the tenancy early on the basis that the tenant has:

- significantly interfered with or unreasonably disturbed another occupant or the landlord.
- seriously jeopardized the health or safety or lawful right of another occupant or the landlord.
- put the landlord's property at significant risk.
- caused extraordinary damage to the unit/site or property/park.
- knowingly gave false information to prospective tenant or purchaser of the rental unit/site or property/park.

Engaged in illegal activity that has or is likely to:

- damaged the landlord's property.
- adversely affected the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord.
- jeopardized a lawful right or interest of another occupant or the landlord.

and that it would be unfair to the other occupants to wait for a one month notice to take effect.

I am satisfied based on the evidence before me that the landlord has proved its case.

The landlord when seeking to end the tenancy early is not however entitled to recovery of the \$50.00 filing fee.

Conclusion

Based on all of the above, I grant the landlord an order ending the tenancy early. I also grant the landlord an order of possession effective **JUNE 30, 2012 at 1:00 PM**. This

order may be filed in the Supreme Court of British Columbia and 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: June 28, 2012

Residential Tenancy Branch