



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 for Dispute Resolution by the landlord for an order to end tenancy early and obtain an order of possession.

Although served with the Application for Dispute Resolution and Notice of Hearing by registered mail sent on June 22, 2012, Canada post tracking numbers were provided as evidence of service, the tenants did not appear.

Section 90 of the Act determines that a document served in this manner is deemed to have been served five days later. I find that the tenants have been duly served in accordance with the Act.

Issue(s) to be Decided

Is the landlord entitled to end tenancy early and obtain an order of possession?

Background and Evidence

The tenancy began on September, 1, 2010. Rent in the amount of \$2,000.00 was payable on the first of each month. A security deposit of \$2,000.00 was paid by the tenants.

The landlord testified he is seeking to end tenancy early and obtain an order of possession as the tenants have used the premises for illegal activity, which has put the landlord's property at significant risk.

The landlord testified on June 15, 2012, the local police department executed a search warrant on the tenant's rental unit. The police found that the tenant's were using the premises as a laboratory for manufacturing methamphetamine. Filed in evidence is a letter from the city of (name) dated June 19, 2012.

The letter filed in evidence states "on June 15, 2012, we received notice from the (name) Fire Department that the above building was once again being used illegally, this time as a clandestine laboratory for manufacturing methamphetamine" [reproduced as written]

The letter further states “The above resulted in an unsafe condition. Accordingly, a “NOT SAFE TO OCCUPY” notice (copy enclosed) was posted on each of the three exterior doors on the above building. Also, the city electrician requested BC Hydro disconnect the electrical service to the building” [reproduced as written]

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

Section 56 of the *Act* allows a tenancy to be ended early without waiting for the effective date of a one month notice to end tenancy if there is evidence that the tenant has breached their obligations under the tenancy agreement or *Act* and it would be unreasonable or unfair to wait for the effective date of a one month notice to end tenancy.

In this case, the tenants were using the premises to manufacture methamphetamine; this is support by the documentary evidence filed.

I find the tenants have significantly breached the tenancy agreement and the *Act* by using the property for illegal activity and have put the landlord's property at significant risk. Based on these conclusions I find that the landlord has established sufficient cause to end this tenancy.

I have also considered whether it would be unreasonable or unfair to the landlord to wait for a one month notice to end tenancy to take effect. I find the tenants have put the landlord's property at significant risk by manufacturing methamphetamine and I find it would be unreasonable to wait for a one month notice to end tenancy to take effect. I grant the landlord's application to end this tenancy early.

Therefore, I grant the landlord an order of possession effective **two (2) days** after it is served upon the tenant. This order may be filed with the Supreme Court of British Columbia and enforced as an order of that court.

As the landlord has been successful with their application the landlord is entitled to recover the cost of filing their application from the tenant in the amount of \$50.00. I grant the landlord a monetary order for this amount. This order may be filed in the Provincial Court (Small Claims) and enforced as an order of that court.

Conclusion

The landlord's application to end this tenancy early pursuant to section 56 of the *Act* is granted.

The landlord is granted an order of possession and a monetary order in the above amount.

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: July 03, 2012.

Residential Tenancy Branch