



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 Landlord's Application for Dispute Resolution, seeking an order to end the tenancy early and receive an order of possession.

Both parties appeared at the hearing. The hearing process was explained and the participants were asked if they had any questions. Both parties provided affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions to me.

I have reviewed all evidence and testimony before me that met the requirements of the rules of procedure, however, I refer to only the relevant facts and issues in this decision.

Issues(s) to be Decided

Are the Landlords entitled to end the tenancy early and obtain an order of possession?

Background and Evidence

The affirmed evidence of the Agent for the Landlord was that the Tenants have operated a marijuana grow operation in the rental unit.

In evidence the Landlords provided a copy of a letter from the municipality where the rental unit is located. The municipal letter informs the Landlords that the RCMP have found evidence of a recent marijuana grow operation or clandestine drug lab in the rental unit. The municipality has issued a "Do Not Occupy" notice and the rental unit must not be occupied until remediation has been done and the municipality has authorized occupation once more.

Both Tenants appeared at the hearing. The male Tenant explained the grow operation was his responsibility and the female Tenant had nothing to do with this.

Analysis

Based on the foregoing, the uncontradicted evidence and testimony, and on a balance of probabilities, I find and I am satisfied that the Tenants have put the Landlords' property at significant risk; engaged in illegal activities that have caused or is likely to cause damage to the rental unit; and have jeopardized the lawful rights of the Landlords.

I further find and I am satisfied that it would be unreasonable and unfair to the Landlords to wait for a notice to end tenancy under section 47 of the Act.

I find that it does not matter which of the Tenants were responsible for the illegal activity in the rental unit, since in a joint tenancy both Tenants are responsible for the rental unit under the Act. Simply put, when a joint tenancy ends, it ends for both Tenants.

Therefore, pursuant to section 56 of the Act, I grant the Landlords an order of possession for the rental unit effective at **1:00 p.m. August 29, 2012**, and I grant and issue the order in this form. This order may be enforced through the British Columbia Supreme 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 Act. Pursuant to section 77 of the Act, a decision or an order is final and binding, except as otherwise provided in the Act.

Dated: August 27, 2012.

Residential Tenancy Branch