



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.

Only the Agent for the Landlord appeared at the hearing. They gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me.

The Tenant was served with the Notice of Hearing and Application for Dispute Resolution on August 31, by serving an adult in the rental unit who apparently resides with the Tenant. This service was witnessed by a Constable with the RCMP, who signed as witness. Nevertheless, the Tenant did not attend the hearing. I find the Tenant has been duly served in accordance with the Act.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issues(s) to be Decided

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

Background and Evidence

The affirmed evidence of the Landlord was that there are many people coming and going from the rental unit. The Landlord alleges the Tenant is involved in the drug trade. He further testified that the police have attended the rental unit on several occasions.

In evidence the Landlord has submitted a copy of a letter from the RCMP who have been monitoring and investigating the Tenant and the activities at the rental unit. When

the police executed a search warrant in the rental unit they found illegal drugs, including heroin and cocaine, drug paraphernalia, and ammunition for a gun.

The RCMP letter states, "Numerous persons known by police to be active in the local drug and sex trade have been observed coming to and going from the residence."

Neighbours of the subject rental unit have also complained to the Landlord about the activities at the Tenant's rental unit, and have written letters and made complaints.

The Agent for the Landlord submitted photographs showing drug users passed out or using drugs in the common areas and hallway outside the rental unit.

Analysis

Based on the foregoing, the uncontradicted evidence and testimony, and on a balance of probabilities, I find and I am satisfied that the Tenant, or a person permitted on the residential property by the Tenant, has significantly interfered with and unreasonably disturbed other occupants of the residential property.

I further find that the Tenant has seriously jeopardized the health and safety, and the lawful rights of the other occupants of the property.

I find and I am satisfied that it would be unreasonable and unfair to the Landlord or the other occupants to wait for a notice to end tenancy under section 47.

Therefore, pursuant to section 56, I grant the Landlord an order of possession for the rental unit effective at **1:00 p.m. September 10, 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 final and binding on the parties, unless otherwise provided under the Act, and is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: September 10, 2012.

Residential Tenancy Branch