



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

The tenants were served with the Application for Dispute Resolution and Notice of Hearing by registered mail sent on October 19, 2012, and Canada post tracking numbers were provided as evidence of service, however, 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 parties entered into a one year fixed term tenancy which began on June 1, 2012. Rent in the amount of \$970.00 was payable on the first of each month. A security deposit of \$485.00 was paid by the tenants.

On October 17, 2012, the landlord filed an application for dispute resolution to end the tenancy early. The documentary evidence submitted with the landlord's application indicate that the tenants have made a barricade with a 2x4 and metal hinges on the inside of the entrance door to the rental unit and at that same entrance video surveillance equipment has also been installed. The documentary evidence also supports that a large amount of used syringes were found on the property.

At the onset of the hearing the landlord testified that on October 25, 2012, he attended the rental unit for the scheduled monthly inspection and discovered that rental unit had been abandoned. The landlord stated the tenants furnishing had been removed, however, there was a large amount of garbage left behind, which included used syringes

and ammunition. The landlord stated he took the syringes and ammunition to the police department for disposal.

Analysis

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

In this case, the landlord has applied for an order to end tenancy early, under section 56 of the Act. The documentary evidence filed in support of the landlord's claim indicates that an early termination of tenancy may have been appropriate in these circumstances. The action of the tenants barricading the entrance door, installing video surveillance camera, having a large amount of used syringes and finding ammunition onsite would indicate, on the balance of probabilities, that the tenant was likely conducting illegal activity on the property.

However, on October 25, 2012, the tenants abandoned the rental unit prior to the commencement of this hearing. Under section 44(1)(d) of the Act, a tenancy ends if the tenant vacates or abandons the rental unit.

Therefore, under section 44 (1)(f) of the Act, I order that the tenancy has ended and the landlord is entitled to an order of possession, pursuant to section 62 of the Act.

I find that the landlord is entitled to an order of possession effective **November 2, 2012 at 1:00 p.m.** This order may be filed in the Supreme Court and enforced as an order of that Court.

Conclusion

The landlord is granted an order of possession.

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: November 02, 2012.

Residential Tenancy Branch