



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET and FF

Introduction

This application was brought by landlord on December 19, 2012 seeking an Order of Possession to end the tenancy early under section 56 of the *Act*. This section permits such applications in situations where it would be unreasonable for the landlord to wait for an order under section 47 of the *Act* which requires a Notice to End Tenancy effective on date that is a minimum of one month following service.

Despite having been served with the Notice of Hearing by posting on the tenant's door on December 20, 2012, the tenant did not call in to the number provided to enable his participation in the telephone conference call hearing. Therefore, it proceeded in his absence.

Issue(s) to be Decided

Are the circumstances which have caused the landlord to seek an end to the tenancy of sufficient urgency to warrant the issuance of an Order of Possession under the more stringent requirements of section 56 of the *Act*?

Background and Evidence

During the hearing, the landlord submitted into evidence copies of the following documents:

1. A search warrant issued on December 17, 2012 authorizing police officers to search the residence on December 18, 2012 for methamphetamines and equipment, chemicals and documents associated with the production of methamphetamines;

2. An order issued by the City of Surrey By-Law and Licensing Services stating that, "...no person may occupy these premises until the requirements of Section 4.11 of the Bylaw has been completed....and a qualified professional has confirmed the requirements of the Bylaw have been met."
3. A photograph of the Notice of Hearing, the no-occupy order and a note for the tenant providing a number for him to contact for access to remove his belongings, all posted on the door to the rental unit.
4. A letter from a witness stating that he had been with the landlord when he posted the notices for the tenant and changed the locks on the door.

In the interim, the landlord had received a letter from the City of Surrey confirming that a "meth lab" had been located during the search of the property.

The landlord stated that the rental unit has been broken into twice since he changed the locks on the door and that the tenant's vehicle and valuables had been removed. He stated that the shallow well on his and on a neighbour's property had been contaminated by the drug operation.

Analysis

Section 56(2)(a)(iv)(A) of the *Act* authorizes the director's designate to issue an Order of Possession in circumstances in which a tenant has "engaged in illegal activity that has caused or is likely to cause damage to the landlord's property..."

On the evidence before me, I find no question that the landlord is entitled to an immediate Order of Possession under the provisions section 56 of the *Act* and issue such order to take effect at 1 p.m. today, January 7, 2013.

The landlord remains at liberty to make application for damage to the rental unit taking into account that if the amount exceeds \$25,000, the matter would rise to the jurisdiction of the Supreme Court of British Columbia.

The landlord is authorized to retain \$50 from the tenant's security deposit to recover the filing fee for his proceeding.

Conclusion

The landlord's copy of this decision is accompanied by an Order of Possession, enforceable through the Supreme Court of British Columbia, to take effect at 1 p.m. on January 7, 2013.

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: January 07, 2013.

Residential Tenancy Branch

