



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Code: ET

Introduction:

This is the Landlords' application for an early end to the tenancy and an Order of Possession.

The Landlords gave affirmed testimony at the Hearing.

The female Landlord testified that on February 25, 2013, she mailed the Tenant the Notice of Hearing Documents, by registered mail, to the rental unit. The male Landlord stated that he witnessed the Tenant accepting delivery of the registered documents. The Landlords provided a copy of the registered mail receipt and tracking numbers in evidence. The Canada Post tracking information indicates that the Tenant accepted delivery of the documents on February 27, 2013.

Based on the Landlords' affirmed testimony and documentary evidence, I am satisfied that the Tenant was duly served with the Notice of Hearing documents in accordance with the provisions of Section 89(1)(c) of the Act. Despite being served with the documents, the Tenant did not sign into the teleconference and the Hearing continued in her absence. The teleconference remained open for 30 minutes.

Issue to be Determined:

Have the Landlords shown that there is cause to end this tenancy and that it would be unreasonable or unfair to wait for a one month Notice to End Tenancy under the Act to take effect?

Background and Evidence:

The Landlords gave the following testimony:

This tenancy began on December 15, 2012. Monthly rent is \$680.00. The Tenant paid

only \$480.00 for February's rent and has not paid any rent for the month of March, 2013.

The female Landlord testified that she thought the Tenant was a recovered drug addict and prostitute and that she was trying to give her a second chance by accepting her as a tenant. She stated that it soon became apparent that the Tenant had relapsed.

The Landlords became suspicious about the number of people staying in the rental unit. The Tenant had many visitors, one of whom was a known heroin dealer. On February 13, 2013, the Landlords slipped a 24 hour Notice to inspect the rental unit under the Tenant's door and Tenant reacted by becoming very violent and noisy. The Tenant kicked in the garage door at the rental property. The Landlords were going to take pictures of the damage and when the Tenant saw them, she started swinging a metal pipe around. She brought friends over to intimidate the Landlords. The male Landlord testified that the Tenant threatened to poison the Landlords' two dogs. The police were called.

The police sent a couple of undercover officers from the drug squad over to the rental property last week, making their presence known. The Landlords believe that the Tenant saw the undercover officers parked outside the rental property. The Landlords have not seen her for a few days and believe that she may have moved out of the rental unit.

Analysis:

In making an application for an early end to this tenancy the Landlords have the burden of proving that there is cause for ending the tenancy, such as seriously jeopardizing the health and safety or lawful right or interest of the Landlords and placing the Landlords' property at significant risk, and by proving that it would be unreasonable or unfair to the Landlords to wait for a one month Notice to End Tenancy for cause under Section 47 of the Act to take effect.

Based on the Landlords' undisputed affirmed testimony, I am satisfied that the Landlords have proven, on the balance of probabilities, that there is cause to end the tenancy and that it would be unreasonable or unfair to the Landlords to wait for a one month Notice to End Tenancy for cause to take effect. I find that the Tenant, or persons permitted on the rental property by the Tenant, have seriously jeopardized the Landlords' safety and have placed the Landlords' property at significant risk.

I hereby provide the Landlords with an Order of Possession effective **2 days after service of the Order upon the Tenant.**

Conclusion:

I hereby provide the Landlords with an Order of Possession **effective two days from service of the Order upon the Tenant**. This Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that 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 *Residential Tenancy Act*.

Dated: March 07, 2013

Residential Tenancy Branch

