



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ET

### Introduction

This hearing dealt with a landlord's application for an early end of tenancy and an Order of Possession. The tenant did not appear at the hearing. The landlord submitted that the tenant was served with the hearing documents in person at the rental unit on May 10, 2013 at approximately 6:30 p.m. I was satisfied the tenant has been sufficiently served with notification of this proceeding and I continued to hear from the landlord without the tenant present.

### Issue(s) to be Decided

Has the landlord established that the tenancy should end early and the landlord provided an Order of Possession under section 56 of the Act?

### Background and Evidence

The tenancy commenced in September 2012 and the tenant is required to pay rent on the 1<sup>st</sup> day of every month. On May 9, 2013 the City of Surrey Electrical and Fire Safety Team inspected the rental unit. Evidence of a marijuana grow-op was discovered including unauthorized electrical re-wiring, venting, and mould. The City "red-tagged" the house and posted a "Do Not Occupy" notice on the property. After posting of the "Do Not Occupy" notice the tenant was observed at the rental unit.

The landlord submitted that the tenant had agreed to return the keys and possession of the rental unit to the landlord by May 15, 2013. The landlord requested an Order of Possession in the event this does not happen.

Documentary evidence provided to me included copies of the letter from the City and the Certificate of Electrical Inspection dated May 9, 2013.

## Analysis

Section 56(2) of the Act permits an Arbitrator, as delegated by the Director, to make an order to end the tenancy on a date that is earlier than the effective date on a 1 Month Notice to End Tenancy for Cause had one been issued. In order to grant an order to end the tenancy early I must be satisfied that:

- (a) the tenant or a person permitted on the residential property by the tenant has done any of the following:
  - (i) significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property;
  - (ii) seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant;
  - (iii) put the landlord's property at significant risk;
  - (iv) engaged in illegal activity that
    - (A) has caused or is likely to cause damage to the landlord's property,
    - (B) has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the residential property, or
    - (C) has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord;
  - (v) caused extraordinary damage to the residential property, and

(b) it would be unreasonable, or unfair to the landlord or other occupants of the residential property, to wait for a notice to end the tenancy under section 47 [landlord's notice: cause] to take effect.

[my emphasis added]

The landlord bears the burden to prove the tenant has acted in such a way as to warrant an order to end the tenancy earlier than by way of a 1 Month Notice. The burden is high as this provision is intended to apply in the most severe circumstances.

Based upon the landlord's undisputed testimony, which I found to be credible, and the documentary evidence provided for my review, I am satisfied that it is unreasonable for the landlord or the occupants of the property to wait for a 1 Month Notice to take effect. Therefore, I grant the landlord's request for an early end of tenancy. Considering this rental unit has been determined to be unsuitable for occupation pursuant to an electrical

inspection by a proper authority and I order that this tenancy ends immediately upon service of the Order of Possession provided to the landlord with this decision.

Should the landlord post the Order of Possession on the tenant's door it is deemed to be received by the tenant three (3) days later pursuant to section 90 of the Act.

### Conclusion

Pursuant to section 56 of the Act, I order the tenancy ends upon service of the Order of Possession that is provided to the landlord with this decision.

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: May 15, 2013

---

Residential Tenancy Branch

