



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FF

Introduction

This is an application filed by the Landlord for an early end to the tenancy and to obtain an order of possession and a monetary order for recovery of the filing fee.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant did not attend. The Landlord states that the Tenant was served with the notice of hearing package by posting it to the rental unit door on April 25, 2013. The Tenant states that it was witnessed and a photograph taken by the witness for the service. I accept the undisputed testimony of the Landlord and find pursuant to Section 89 (2)(d) of the Residential Tenancy Act that the Tenant was properly served with the notice of hearing package by posting it to the rental unit door with a witness.

Issue(s) to be Decided

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

Background and Evidence

The Landlord seeks an early end to the tenancy and to obtain an order of possession. The Landlord states that the police arrested the Tenant on April 11, 2013 when they were executing a search warrant. The Landlord states that the rental unit door was battered in for the police entry and that it is now broken. The Landlord stated in his direct testimony that he received a letter the day before the hearing stating that the Tenant provided a false name for the Tenancy and that he was known to the police under a different name. The Landlord stated that the police informed him that several different types of drugs were found in the rental unit and that the police believed the Tenant to be a drug trafficker.

Analysis

Section 56 of the Residential Tenancy Act states,

Application for order ending tenancy early

56 (1) A landlord may make an application for dispute resolution to request an order

- (a) ending a tenancy on a date that is earlier than the tenancy would end if notice to end the tenancy were given under section 47 [*landlord's notice: cause*], and
- (b) granting the landlord an order of possession in respect of the rental unit.

(2) The director may make an order specifying an earlier date on which a tenancy ends and the effective date of the order of possession only if satisfied, in the case of a landlord's application,

(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.

(3) If an order is made under this section, it is unnecessary for the landlord to give the tenant a notice to end the tenancy.

I accept the undisputed testimony of the Landlord and find that grounds have been established for an early end to the tenancy. The Tenant has provided a false name for the rental unit, a report by the police states that the Tenant was using the rental unit to sell drugs and that as a result of the Tenant's actions the police broke the rental unit door. I find that the Tenant has engaged in illegal activity that has caused damage to the Landlord's property (broken door). On this basis, I grant the Landlord an order of possession. This order must be served on the Tenant. Should the Tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

As for the monetary order request, I find that the Landlord is entitled to recovery of the \$50.00 filing fee. The Tenant is granted a monetary order for \$50.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The Landlord is granted an order of possession.

The Landlord is granted a monetary order for \$50.00.

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 01, 2013

Residential Tenancy Branch

