



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding The Gables Housing Society  
and [tenant name suppressed to protect privacy]

## **DECISION**

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### Introduction

This hearing was convened in response to an application by the Landlord for an early end of tenancy and an Order of Possession pursuant to section 56 of the *Residential Tenancy Act* (the “Act”). The Landlord and Tenant were each given full opportunity to be heard, to present evidence and to make submissions under oath.

### Issue(s) to be Decided

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

### Background and Evidence

The Landlord states that the Tenant has breached the addendum to the tenancy agreement by allowing the unit to be used for a criminal activity: the distribution of drugs. The Landlord states that marijuana and cocaine were being distributed and that this information came from unnamed sources. The landlord states that the police have been called to the unit more than once for disturbances and that on at least one occasion seized drugs and drug paraphernalia. The Landlord states that it cannot divulge its sources for this knowledge. The Landlord states that there is no reason why the Landlord could not use a one month notice to end the tenancy and that this option would have been used had they been informed of this by the Residential Tenancy Branch.

The Tenant states that the police have attended the unit in relation to family disputes. The Tenant states that the police also attended the unit once when the Tenant was not

at the unit. The Tenant states that on this occasion the Tenant had allowed another person to stay in her unit while she was away for about a day or so.

### Analysis

Section 56 of the Act provides that a landlord may make an application to end a tenancy earlier than it would end if the landlord issued a 1 Month Notice to End Tenancy for Cause and obtain an Order of Possession in certain circumstances. It is not necessary for the landlord to issue a 1 Month Notice; however, the landlord must show 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.

Based on the Landlord's evidence that there is no reason why this matter could not be determined following the service of a one month notice to end tenancy for cause, I find that the Landlord has not substantiated the requirements under the Act to obtain an early end of tenancy. As a result, I dismiss the Landlord's application.

### Conclusion

The Landlord's application is dismissed.

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: July 18, 2013

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Residential Tenancy Branch

