



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

This hearing dealt with an application by the landlord seeking an early end of tenancy and for an order of possession. The landlord participated in the conference call hearing but the tenant(s) did not. The landlord presented evidence that the tenants were served with the application for dispute resolution and notice of hearing by having a witness present when personally serving the tenants on August 7, 2013. I found that the tenants had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence. The landlord gave affirmed evidence.

Issues to be Decided

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

Background and Evidence

The tenancy began on or about April 4, 2013. Rent in the amount of \$860.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$430.00.

The landlord gave the following testimony:

The landlord stated that the tenant has engaged in drug dealing activity. The landlord stated that the tenant has a line up of 15-20 people waiting to buy drugs all day long. The landlord stated that the tenant has stolen items from other tenants and was told that

the tenant is drying over 2 kilograms of marijuana on his bed. The landlord stated that the police attend every second day and that he wants the tenancy to end as soon as possible.

Analysis

In making an application for an early end to this tenancy the landlord has the burden of proving that there is cause for ending the tenancy, such as unreasonably disturbing other occupants, seriously jeopardizing the health and safety or lawful right or interest of the landlord and placing the landlords property at risk, **and** by proving that it would be unreasonable or unfair to the landlord or other occupants to wait for a One Month Notice To End Tenancy for Cause under Section 47 of the Act to take effect.

It is apparent from the testimony of the landlord that there are issues between the tenant and the landlord. Section 56 of the Act uses language which is strongly written and it's written that way for a reason. A person cannot be evicted simply because another occupant has been disturbed or interfered with, they must have been **unreasonably** disturbed, or **seriously** interfered with. Similarly the landlord must show that a tenant has **seriously** jeopardized the health or safety or lawful right or interest of the landlord or another occupant, or put the landlord's property at significant risk or that it's **unfair** to the landlord or other occupants to wait for a Notice to End Tenancy. The landlord has not provided sufficient evidence to satisfy me that this matter could not be dealt with by a One Month Notice to End Tenancy for Cause under Section 47 of the Act and meet the requirements as listed above. The landlord often referred to a "reliable source" for his information but was unable to provide that source for this hearing. The landlord offered second and third hand information as evidence. The landlords evidence was disjointed and vague at times. Based on the above and on the balance of probabilities, I dismiss the landlords' application. The tenancy remains in effect.

The landlord made inquiries into a separate hearing involving this party and I assisted the landlord by explaining that if the landlord wished to refer to evidence submitted in

this hearing, **he must resubmit any and all evidence for his other hearing.** The landlord indicated that he understood.

Conclusion

The landlords' 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: August 13, 2013

Residential Tenancy Branch