



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: ET /OP

Introduction

This hearing was scheduled in response to the landlord's application for an early end of tenancy and an order of possession. The landlord attended and gave affirmed testimony.

The landlord testified that the application for dispute resolution and notice of hearing (the "hearing package") was served in-person on the tenant on September 20, 2013. Despite this, the tenant did not appear.

Issue(s) to be Decided

Whether the landlord is entitled to the above under the Act, Regulation or tenancy agreement.

Background and Evidence

The unit which is the subject of this dispute is 1 of 3 separate units located within a house. The landlord testified that he purchased the house in June 2012, and that the tenant was a resident in the unit at that time. There is no written tenancy agreement in evidence. The landlord testified that monthly rent of \$500.00 is due and payable in advance on the first day of each month, and that a security deposit of \$250.00 was collected. The landlord also testified that no rent has been paid for October.

The landlord testified to the suspected activities of the tenant and / or those permitted on the property by the tenant. These include, but are not necessarily limited to, dealing illegal drugs and engaging in the sex trade. The landlord testified that other residents in the house and neighbours have complained to him about these suspected activities, as well as about the frequent comings and goings of visitors to the unit at all hours. Further, Police have been called in response to complaints about the sound of loud music from the unit.

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca

Section 47 of the Act addresses **Landlord's notice: cause**. Section 56 of the Act speaks to **Application for order ending tenancy early**, and provides in part:

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;
 - (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.

Based on the affirmed / undisputed testimony of the landlord, and pursuant to the above legislative provisions, I find that the landlord has established entitlement to an early end of tenancy and an order of possession.

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **two (2) days** after service on the tenant. 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.

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: October 07, 2013

Residential Tenancy Branch

