



# 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 recovery of the filing fee.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant did not attend or submit any documentary evidence. The Landlord stated in his direct testimony that the Tenant was served with the notice of hearing package and the submitted documentary evidence by posting it to the rental unit door on November 1, 2013 with a witness.

### Issue(s) to be Decided

Is the Landlord entitled to an early end to the tenancy?

### Background and Evidence

The Landlord seeks an early end to the tenancy based upon submitted letters from the RCMP and the City of Nanaimo. The Landlord states that the Tenant has put the landlord's property at significant risk and has engaged in illegal activity at the rental unit. The Landlord stated in his direct testimony that the Tenant is the sole occupant for the last 3 months and that BC Hydro has turned off the power for unpaid utilities. The Landlord also states that the Tenant is responsible for physical damage to the rental unit by ripping the gyproc walls from the framing and has broken a few of the house windows, is using the stove for heat and has damaged the furnace. The Landlord also refers to the letters filed from the RCMP and the City of Nanaimo which state that the police have attended at the rental address in response to 16 calls regarding issues ranging from excessive noise/disturbances and drug use in the rental unit. The Landlord has also made reference to "nuisance abatement" complaints from the City of

Nanaimo referring to occupants at the site for excessive noise and excessive vehicle and foot traffic and has concluded that illegal drug activity is going on at the rental unit.

### Analysis

I find on a balance of probabilities that the Landlord has established a claim for an early end to the tenancy. The Landlord's direct testimony is undisputed. The Landlord is granted an order of possession. This order must be served upon 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.

The Landlord having been successful is also entitled to recovery of the \$50.00 filing fee. The Landlord 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 early end to the tenancy and 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: November 08, 2013

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Residential Tenancy Branch

