



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** *ET, FF*

### **Introduction**

This hearing dealt with an application by the landlord pursuant to section 56 of the *Residential Tenancy Act*, for an order to end the tenancy early and obtain an order of possession. The landlord also applied for the filing fee.

The landlord testified that he served the tenant with the notice of hearing and application for dispute resolution on November 01, 2013, by posting it on the front door, in the presence of a witness. The tenant did not participate in the conference call hearing. I found that the tenant had been served with notice of the landlord's claim and the hearing proceeded in the tenant's absence.

### **Issues to be Decided**

Is the landlord entitled to end the tenancy early? Is the landlord entitled to the recovery of the filing fee?

### **Background and Evidence**

The tenancy started in August 2012. The monthly rent is \$1,200.00 payable on the first of the month. Prior to moving in the tenant paid a security deposit of \$600.00.

The landlord testified that the tenant is involved in activity that has draws the attention of the police and the local by law office. The landlord filed evidence to confirm that the police have visited the rental unit multiple times for criminal activity involving drugs.

In a written notice to the landlord dated October 28, 2013, the police informed the landlord of the complaints received from neighbours about the ongoing drug issues and disturbances associated with the rental unit. The notice also reminded the landlord of his obligation to ensure that the property is not being used to facilitate drug related criminal events. Details of incidents involving the police are included in the notice.

### **Analysis**

Based on the above facts and in the absence of any contradictory evidence, I am satisfied that the tenant's behaviour and activities have seriously jeopardized the safety and security of the landlord and the neighbours. In the circumstances it would be unreasonable and unfair to require the landlord to wait for a notice to end the tenancy under s. 47 to take effect and therefore I find that the landlord is entitled to an order for possession.

A formal order has been issued and may be filed in the Supreme Court and enforced as an order of that Court.

Since the landlord has proven his case, I award him the recovery of the filing fee. I grant the tenant a monetary order under section 67 of the *Residential Tenancy Act*, for **\$50.00**. This order may be filed in the Small Claims Court and enforced as an order of that Court.

### **Conclusion**

I grant the landlord an order of possession effective two days after service on the tenant and a monetary order in the amount of \$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

