



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 the landlords' application for dispute resolution under the Residential Tenancy Act (the "Act") seeking an order ending the tenancy earlier than the tenancy would end if a notice to end the tenancy were given under section 47 of the Act and for recovery of the filing fee.

The landlords attended the telephone conference call hearing; the tenant did not attend.

Landlord SM testified that he served the tenant with the Application for Dispute Resolution and Notice of Hearing by hand delivering the documents to an adult, male occupant of the rental unit on November 15, 2013.

Based upon the submissions of the landlord, I find the tenant was served notice of this hearing in a manner complying with section 89(2) of the Residential Tenancy Act (the "Act") and the hearing proceeded in the tenant's absence.

The landlords were provided the opportunity to present their evidence orally and make affirmed submissions to me.

I have reviewed all oral and documentary evidence before me that met the requirements of the Dispute Resolution Rules of Procedure (Rules); however, I refer to only the relevant evidence regarding the facts and issues in this decision.

Issue(s) to be Decided

Is the landlord entitled to end this tenancy early without the requirement of a Notice to End Tenancy?

Is the landlord entitled to an Order of possession?

Is the landlord entitled to filing fee costs?

Background and Evidence

The undisputed evidence of the landlord is that this tenancy began on October 1, 2013 and monthly rent is \$1600.

The landlord, SM, testified that he had personal knowledge of the particulars and circumstances of the causes alleged in this matter sufficient to give the landlord vacant possession of this rental unit.

The landlord testified that the rental unit has become a very busy drug distribution site, which has caused the RCMP to kick through the door on multiple occasions. Additionally, emergency response staff confirmed that the tenant and/or other occupants had been manufacturing crystal methamphetamine in the rental unit, the equipment for which has been removed by the RCMP.

The landlord testified that the manufacturing of the drugs is a combustible process, creating a fire or explosive danger for the rental unit and surrounding properties.

The landlord testified that the door knobs for the interior doors of the rental unit had been replaced by heavy, security locks and that the rental unit had been fortified by 2" x 4" studs.

The landlord testified that he observed a heavy flow of street prostitutes and drug traffic into and out of the rental unit and that the municipality has posted a "Do Not Occupy" notice on the rental unit.

Analysis

Section 56 of the *Act* allows a tenancy to be ended early without waiting for the effective date of a 1 Month Notice to End Tenancy if there is evidence that the tenant has breached their obligations under the tenancy agreement or *Act* and it would be unreasonable or unfair to wait for the effective date of a 1 Month Notice to End Tenancy.

Based on a balance of probabilities, I accept the undisputed evidence of the landlord and I find that the tenant has significantly breached the tenancy agreement and the *Act*. I accept that the tenant or other occupants allowed by the tenant to be in the rental unit put the health, safety and lawful rights of the landlord at risk and put the landlord's property at significant risk by manufacturing illegal drugs in the rental unit, by conducting drug trafficking activities and by destruction of the portions of the rental unit. Based on these conclusions I find that the landlord has established sufficient cause to end this tenancy.

I am satisfied that it would be unreasonable and unfair to the landlord, to wait for the 1 Month Notice to End Tenancy to take effect. I grant therefore the landlord's application to end this tenancy early.

I also allow the landlord recovery of the filing fee of \$50.

Conclusion

I find that the landlord is entitled to and I therefore grant an order of possession for the rental unit effective two days after service of the order upon the tenant. This final, legally binding order of possession is enclosed with the landlord's Decision.

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: December 12, 2013

Residential Tenancy Branch