



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

This hearing dealt with the Landlord's Application for Dispute Resolution, seeking an order to end the tenancy early and receive an order of possession.

Only the Landlord appeared at the hearing. They gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me.

The Landlord testified he served the Occupants with the Notice of Hearing in person on December 9, 2013. Despite this the Occupants did not appear at the hearing. I find the Occupants have been duly served in accordance with the Act.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issues(s) to be Decided

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

Background and Evidence

The affirmed testimony of the Landlord was that the Occupants moved into the rental unit without the permission or approval of the Landlord, when a prior tenant was in possession of the rental unit. The Landlord has no tenancy agreement with the Occupants, nor have they paid any rent to the Landlord.

The Landlord alleges the Occupants have damaged the furnace in the rental unit. The Landlord alleged that the Occupants had "hard wired" the furnace to make it run constantly in order to dry out marijuana. The Landlord testified that this damaged the furnace and it now requires several thousand dollars in repairs. The Landlord alleges the Occupants are involved in the drug trade.

The Landlord testified that when he went to serve the Occupants with the Notice of this Hearing, the Occupants slammed the door in his face, narrowly missing him.

He further testified that the police have attended the rental unit on three occasions. The Landlord testified that the Occupants physically assaulted the renter who formerly lived in the rental unit and that they have threatened other renters in the building. The Landlord testified that one of these renters has now moved out.

The Landlord testified that the Occupants have threatened him and the other renters at the property that they will burn down the house if the police are called again.

Analysis

Based on the foregoing, the uncontradicted testimony, and on a balance of probabilities, I find that the Occupants have significantly interfered with and unreasonably disturbed other occupants of the residential property and the Landlord.

I further find that the Occupants have caused or are likely to cause damage to the Landlord's property.

I find and I am satisfied that it would be unreasonable and unfair to the Landlord or the other occupants to wait for a notice to end tenancy under section 47.

Therefore, pursuant to section 56 of the Act, I grant the Landlord an order of possession for the rental unit **effective two days after service on the Occupants**, and I grant and issue the order in this form. This order may be enforced through the British Columbia Supreme 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 Act. Pursuant to section 77 of the Act, a decision or an order is final and binding, except as otherwise provided in the Act.

Dated: January 02, 2014

Residential Tenancy Branch

