



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 an Application for Dispute Resolution filed on January 20, 2014, by the Landlords to end the tenancy early and obtain an Order of Possession.

The Landlord submitted affirmed testimony the the Tenant was served with copies of the Landlord's application for dispute resolution and Notice of dispute resolution on January 20, 2014, when it s was posted to the rental unit door. Based on the submissions of the Landlord I find the Tenant is deemed served notice of this proceeding on January 23, 2014, three days after it was posted, in accordance with section 90 of the Act; therefore I proceeded in the Tenant's absence.

Issue(s) to be Decided

Are the Landlords entitled to end this tenancy early, pursuant to section 56 of the *Residential Tenancy Act*?

Background and Evidence

The Landlords submitted evidence that the Tenant entered into a month to month tenancy that began on November 11, 2013. Rent is payable on the first of each month in the amount of \$1,200.00 and on November 11, 2013 the Tenant paid \$600.00 as the security deposit.

The Landlord testified that the rental unit is a side by side duplex consisting of four separate rental units; 1 upper and 1 lower on each side of the duplex. The Tenant rented one of the upper level suites. He said that he began receiving complaints about this Tenant, from the other three tenants so they went to the *Residential Tenancy Branch* to find out how they could evict him and before they were able to serve him a Notice the police raided his rental unit on January 16, 2014.

The Landlord pointed to his evidence which included a letter from the municipality which indicates the police found that the Tenant was using the property to sell, barter, or trade a controlled substance and provided prostitution services. He stated that the police arrested the Tenant and boarded up the doors.

The Landlord stated that they have since inspected the unit and found the doors were punched in and now boarded up, the inside is very dirty with garbage and used needles scattered all around and all the work they had done has been ruined. They are seeking immediate possession as instructed by the municipality and police.

Analysis

The evidence supports that a police investigation was conducted on January 16, 2014, and that the police found that the Tenant or his guests have been using the rental property for prostitution services and for selling, trading or bartering controlled substances. In addition to the foregoing, there is evidence that these actions were causing disturbances to the other tenants and has resulted in damage to the Landlord's property.

Upon careful consideration of the evidence before me I find the Landlord has proven that the Tenant and/or his guests have engaged in an activity that has caused damage to the Landlord's property, has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the property, and has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the Landlord.

Next I have considered whether it would be unreasonable or unfair to the Landlord to wait for a one month Notice to End Tenancy to take effect. I have accepted that the Tenant and/or his guests have engaged in illegal activity that has ultimately caused damage to the rental unit and has jeopardized the lawful right or interest of the Landlord and the other tenants. Based on these conclusions I find it would be unreasonable to wait for a one month Notice to End Tenancy to take effect. The relationship has deteriorated with the possibility for the Landlords to suffer further loss or damage. Therefore, I grant the Landlords' application to end this tenancy early.

Conclusion

I hereby grant the Landlords an Order of Possession effective **two days** after it is served upon the Tenant. This Order may be filed with 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: February 03, 2014

Residential Tenancy Branch

