



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding LLA Investments Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET, FF

Introduction

This hearing dealt with the landlord's 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 landlord's agent (hereafter "landlord") attended the telephone conference call hearing; the tenants did not attend.

The landlord testified that they served each tenant with the Application for Dispute Resolution and Notice of Hearing by registered mail on February 20, 2014. The landlord supplied the registered mail customer receipts showing the tracking number of registered mail envelopes.

Based upon the submissions of the landlord, I find the tenants were served notice of this hearing in a manner complying with section 89(1) of the Residential Tenancy Act and the hearing proceeded in the tenant's absence.

The landlord was provided the opportunity to present their evidence orally and to refer to relevant documentary evidence submitted prior to the hearing, and make 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

Should the tenancy end early and an Order of Possession be granted to the landlord?

Background and Evidence

The landlord testified that the tenants have put the landlord's property at significant risk and engaged in illegal activity that has jeopardized or is likely to jeopardize a lawful right or interest of the landlord.

In explanation, the landlord submitted that the tenants are manufacturing illegal controlled substances in the rental unit, which information was conveyed to him by the local police department.

The landlord submitted that after the police investigation, the municipality instructed the landlord to evict the tenants, as they would not be allowed to live there due to the illegal activities.

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 landlord's undisputed evidence and I find that the tenants have significantly breached the tenancy agreement and the *Act*. I accept that the tenants have put the landlord's property at significant risk and engaged in illegal activity that has jeopardized or is likely to jeopardize a lawful right or interest of the landlord by the manufacture of illegal controlled substances. 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.

Conclusion

I find that the landlord is entitled to and I therefore grant the landlord a final, legally binding order of possession for the rental unit, which is enclosed with the landlord's Decision. Should the tenants fail to vacate the rental unit pursuant to the terms of the order after being served, the order may be filed in the Supreme Court of British

Columbia for enforcement as an order of that Court. The tenants are advised that costs of such enforcement are recoverable from the tenants.

I also grant the landlord a final, legally binding monetary order pursuant to section 67 of the Act for the balance due, in the amount of \$50 for their filing fee.

Should the tenants fail to pay the landlord this amount without delay after being served the order, the order may be filed in the Provincial Court of British Columbia (Small Claims) for enforcement as an order of that Court. The tenant is advised that costs of such enforcement are recoverable from the tenants.

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* and is being mailed to both the applicant and the respondents.

Dated: March 06, 2014

Residential Tenancy Branch

