



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Code: ET

Introduction:

This is the Landlord's application for an early end to the tenancy and an Order of Possession.

The Landlord gave affirmed testimony at the Hearing.

Preliminary Matter

The Landlord named two Respondents on her Application for Dispute Resolution, JWS and JS. At the outset of the Hearing, the Landlord testified that the Respondent JS is not living in the rental unit and in fact did not move into the rental unit. Therefore, the Landlord's application was amended to delete the Respondent JS.

The Landlord testified that the on April 25, 2014, the Tenant JWS was served with the Notice of Hearing Documents at the rental unit.

Based on the Landlord's affirmed testimony, I am satisfied that the Tenant JWS was duly served with the Notice of Hearing documents. Despite being served with the documents, the Tenant JWS did not sign into the teleconference and the Hearing continued in his absence. The teleconference remained open for 15 minutes.

Issue to be Determined:

Is the Landlord entitled to end the tenancy early?

Background and Evidence:

This tenancy began at the end of February, 2014. The rental property houses other occupants, in separate suites.

The Landlord testified that the Tenant robbed a store. She stated that the police came to the rental property and arrested the Tenant on April 22, 2014. The Landlord testified that when the police entered the rental unit, they found drugs and that they took the Tenant into custody for a few days.

The Landlord stated that this incident was reported in the local newspaper and referred to a newspaper article, which includes the following statements:

Using covert surveillance, investigators tracked the man to a home at [the rental unit], where police allege two men were taking stolen goods in exchange for drugs.

Police obtained a search warrant and raided the home Tuesday with armed tactical officers with the Emergency Response Team. Two men were arrested without incident.

Inside [the rental unit], police found ecstasy and marijuana, some of the watches and items linked to Saturday's break-in, as well as other break-ins downtown. They also found a bullet-proof vest, bear spray and nunchuks.

Victoria police said they also found items linked to the Norteños gang, a Mexican-American street gang with a presence in the federal prison system in California. Police are concerned the items may mean the gang is trying to establish a foothold in Victoria.

The most disturbing find, were the many pieces of clothing, graffiti and other items associated with the Norteños gang.

The Landlord testified that the Tenant is back at the rental unit now and that the other occupants in the rental property are fearful of the Tenant.

Analysis:

In making an application for an early end to this tenancy a landlord has the burden of proving that there is cause for ending the tenancy, such as unreasonably disturbing other occupants, seriously jeopardizing the health and safety or lawful right or interest of the landlord and placing the landlord's property at significant risk, and by proving that it would be unreasonable or unfair to the landlord or other occupants to wait for a one month Notice to End Tenancy for cause under Section 47 of the *Act* to take effect.

Based on the undisputed affirmed testimony of the Landlord, I am satisfied that the Landlord has proven that there is cause to end the tenancy and that it would be unreasonable or unfair to the Landlord and the other occupants in the rental property to

wait for a one month Notice to End Tenancy for cause to take effect. I find that the Tenant has seriously jeopardized the health and safety or lawful right or interest of the Landlord and the other occupants.

I hereby provide the Landlord with an Order of Possession effective **2 days after service of the Order upon the Tenant.**

Conclusion:

I hereby provide the Landlord with an Order of Possession **effective two days from service of the Order upon the Tenant.** This Order must be served on the Tenant and may be filed in 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: May 01, 2014

Residential Tenancy Branch

