



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Amber Properties Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET

Introduction

This hearing dealt with an application by the landlord to end the tenancy early. The landlord participated in the teleconference hearing, but the tenants did not.

The landlord submitted evidence to establish that the tenants were served with the application for dispute resolution and notice of hearing by registered mail on April 29, 2014. Section 90 of the Act states that a document is deemed to have been served five days after mailing. I found that the tenants were deemed served with notice of the hearing on May 4, 2014, and I proceeded with the hearing in the absence of the tenants.

Issue(s) to be Decided

Should the tenancy be ended early under section 56 of the Act?

Background and Evidence

The landlord has applied to end the tenancy early. The landlord's evidence regarding the reasons for ending the tenancy early was as follows.

The landlord stated that on April 23, 2014 the tenant was wandering around the lobby after midnight, and then went into the mail room. The tenant came out of the laundry room with a notice that he had ripped down and had apparently set on fire. He carried the burning notice to the basement, dropped it and left it to burn. Shortly afterward, two non-tenants used keys to enter the building. The landlord discovered that these individuals were friends of the tenant. Tenants are forbidden from making copies of keys.

The landlord stated that on April 27, 2014 the tenant was wandering around the building in the middle of the night, and used a lighter to light what appeared to be a glass pipe.

Smoking inside the building and using illegal drugs are explicitly prohibited in the tenancy agreement. The landlord reported this incident to the police.

The landlord stated that on April 29, 2014 at approximately 4:30 a.m. the tenants let their friends in the building through an emergency exit. Shortly after, the guests went down into the garage. At approximately 6:00 a.m. another occupant in the building reported that his car had been broken into. The landlord checked the security cameras, which showed the two friends of the tenant go to the basement and then carry something out through the parkade pedestrian door. The landlord reported this incident to the police.

In support of their application, the landlord submitted security videos depicting the activities the landlord described in the hearing.

The landlord stated that after they filed this application, the tenants and their guests appear to still be engaging in illegal activities. On May 9, 2014 the landlord had evidence that the tenants' guests broke into other tenants' mailboxes and stole tax refunds. The landlord also reported this incident to the police.

Analysis

Upon consideration of the evidence and on a balance of probabilities, I find that the landlord has provided sufficient evidence to support their application to end the tenancy early. I accept the landlord's evidence that the tenant and the tenants' guests have engaged in illegal activity that could have damaged the landlord's property; adversely affected the quiet enjoyment, security, safety or physical well-being of another occupant; and jeopardized a lawful right of another occupant or the landlord. As the tenants and their guests appear to be continuing in these activities that are jeopardizing the rental property and other occupants, I further find that it would be unreasonable or unfair to the landlord or other occupants to wait for a notice to end tenancy for cause to take effect.

Conclusion

I order the tenancy ended immediately.

I grant the landlord an order of possession effective two days from service. The tenants must be served with the order of possession. Should the tenants fail to comply with the order, the order 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 20, 2014

Residential Tenancy Branch

