



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ET

### Introduction

This hearing was scheduled in response to the landlords' application for Dispute Resolution, in which the landlords have applied for an Order of Possession on an Early End to Tenancy.

The landlords state that the application and Notice of hearing was sent to the tenants by registered mail on April 19, 2014. Canada Post tracking details were provided by the landlords in documentary evidence. The landlords appeared, gave sworn testimony, were provided the opportunity to present evidence orally, in writing, and in documentary form. There was no appearance for the tenants, despite being served notice of this hearing in accordance with the *Residential Tenancy Act*.

All of the testimony and documentary evidence was carefully considered.

### Issues(s) to be Decided

Are the landlords entitled to end the tenancy early and gain an Order of Possession on the basis of this application to End the Tenancy Early pursuant to section 56 of the *Act*.

### Background and Evidence

The landlord testifies that this month to month tenancy started on April 01, 2013. The rent for this unit is \$900.00 per month and is due on the first of each month.

The landlord's witness is a Police Officer involved with a plain clothes unit that has attended at the unit several times when suspicious activity has been reported. The witness testifies that the residence is occupied by nefarious people involved in drug use and stolen property. One of the occupants allowed to live in the unit without the landlord's knowledge is under a court imposed curfew and that occupant gave this address to the courts as his place of residence. This occupant is well known to the police as being very difficult to deal with and is the host of illegal activities spreading through the community.

The witness testifies that this unit is a known drug house and the occupants are fencing stolen property. The occupant under curfew was under a recent investigation for head butting a neighbour. The tenants residing in another unit feel intimidated by the tenants and their visitors and other occupants and feel as if they are hostages in their own home.

for fear of retaliation from these tenants. The police have put the responsibility to do something about the tenants and other occupants residing in the unit back to the landlords and the landlords must make the unit safe. The witness testifies that the male tenant has violent convictions on his record and is prone to violence and unpredictable behaviour. The witness testifies that when they attend at the unit they have to go with between four and six officers due to the violence experienced and the treats made to Police Officers

The landlord testifies that the tenants have significantly disturbed other tenants who live in fear of these tenants and their visitors. The landlords testify that the tenants behaviour, drug use and with the fencing of stolen property these actions have adversely affected the quiet enjoyment, security, safety or physical well-being of other tenants of the residential property. The tenants have put the landlord's property at significant risk by allowing illegal activities to take place. If the landlords need to carry out an inspection the landlords have to be escorted by the police due to threats made by the tenants. On one occasion the landlord testifies that the tenants threatened to make the landlords life miserable and made threats that the tenants could always find the landlords because the landlords had taken the police to the unit. The landlord testifies that the tenants' behaviour prevents the landlords from carrying out their legal obligations to the tenancy.

The landlord testifies that if they were to serve a Notice to End Tenancy it would be unfair for the landlord or other tenants to wait for the Notice to be enforced with the type of tenants and other occupants and visitors being at the unit, with the drug use and with the unit being used to fence stolen property.

### Analysis

Section 56(2) of the *Act* authorizes me to end a tenancy earlier then the tenancy would end if Notice to End Tenancy were given under section 47 of the *Act* and grant an Order of Possession for the rental unit if the tenant or persons permitted on the residential property by the tenant has done any of the following:

- (i) significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property;
- (ii) seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant;
- (iii) put the landlord's property at significant risk;
- (iv) engaged in illegal activity that
  - (A) has caused or is likely to cause damage to the landlord's property,
  - (B) has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the residential property, or
  - (C) has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord;

- (v) caused extraordinary damage to the residential property, and
- (b) it would be unreasonable, or unfair to the landlord or other occupants of the residential property, to wait for a notice to end the tenancy under section 47 [*landlord's notice: cause*] to take effect.

(3) If an order is made under this section, it is unnecessary for the landlord to give the tenant a notice to end the tenancy.

As the tenants have not appeared at the hearing today to dispute the landlords evidence and testimony I am satisfied from the undisputed evidence before me that the landlords have shown, pursuant to section 56 of the *Act*, that the tenants or persons permitted on the property by the tenants have significantly interfered with or unreasonable distributed the landlords and other tenants. I find the landlords have provided sufficient evidence to show that the tenants have seriously jeopardized the health, safety or a lawful right or interest of the landlords by preventing the landlords from carrying out regular inspections of the property and by making threats against the landlords and jeopardized the quiet enjoyment of other tenants. I find the landlords have provide sufficient evidence to show that the tenants have engaged in illegal activities that has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the residential property, and has jeopardized a lawful right or interest of another occupant by using drugs at the property and using the property to fence stolen goods which may or is likely to attract undesirable visitors to the property.

Due to the undisputed testimony and documentary evidence listed above I am satisfied, that it would be unreasonable and unfair for the landlords to wait for a One Month Notice to End Tenancy under section 47 of the *Act* to take effect and allow the landlords application for an Early End to the Tenancy.

### Conclusion

The landlords' application for an Order to End Tenancy Early is granted. An Order of Possession has been issued to the landlord to take effect **two days** after service on the tenants. A copy of this Order must be served on the tenants. The Order of possession is enforceable through the Supreme Court of British Columbia.

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 12, 2014

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Residential Tenancy Branch

