



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Brown Bros. Agencies 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 seeking an order of possession.

The hearing was conducted via teleconference and was attended by the landlord's agent and her witness.

The landlord testified each tenant was served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* personally on May 9, 2014 in accordance with Section 89.

Based on the undisputed testimony of the landlord, I find that each tenant has been sufficiently served with the documents pursuant to the *Act*.

At the outset of the hearing the landlord testified that on the morning of the hearing she had received a voice message from one of the tenants indicating that they had vacated the rental unit and keys were in the mailbox but they had not yet had an opportunity to confirm this information.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession to end the tenancy early and without notice and to recover the filing fee from the tenants for the cost of the Application for Dispute Resolution, pursuant to Sections 56, 67, and 72 of the *Act*.

Background and Evidence

The landlord provided a copy of a tenancy agreement signed by the parties on November 26, 2013 for a 1 year, 1 month and 15 day fixed term tenancy beginning on November 15, 2013 for a monthly rent of \$1,900.00 due on the 1st of each month with a security deposit of \$950.00 paid.

The landlord submits that that on May 8, 2014 the local police department obtained a search warrant and searched the rental unit. Found in the unit were significant quantities of cocaine, heroin, methamphetamine, thousands of dollars in cash, a stolen shotgun and readily accessible ammunition. The occupants of the rental unit were arrested and will be facing criminal charges.

The landlord's witness testified that there was sufficient evidence to establish that at least some of the occupants were involved in a very sophisticated drug trafficking operation as well as drug usage of all of the occupants of the rental unit.

The witness submitted that the shotgun that was found under a bed in one room and that it did not have a trigger lock or located in a secure location. He also stated that the ammunition, while in another room, was easily accessible.

The witness testified that based on his experience the fact that the trafficking operation was so substantial indicated the potential for violence related to the drug trade, including gunfire. He also submitted that due to the evidence of the occupants using and the nature of the drugs they were using he had concerns that when combined with the availability and access to unsecured weaponry the potential for one of the occupants to act violently and include the use of a gun. He submits that he believes that should any type of gunfire occur the occupants of the neighbouring unit would be endangered of injury or worse.

Analysis

Section 56 of the *Act* allows a landlord to request an order of possession to end the tenancy on a date that is earlier than the tenancy would end if notice to end the tenancy were given under Section 47 (1 Month Notice to End Tenancy for Cause) if one or more of the following applies:

- a) The tenant or a person permitted on the residential property by the tenant has
 - i. engaged in illegal activity that
 - a) 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

And 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 to take effect.

I am satisfied, based on the undisputed testimony provided by the landlord's witness that the landlord has established sufficient cause to end the tenancy.

I also am satisfied that due to the nature and unpredictability of the threat to other occupants in the residential property it would be unfair for the other occupants to wait until the end of June 2014 to have the tenancy ended.

Conclusion

Based on the above, I find the landlord is entitled to an order of possession effective **two days after service on the tenants**. This order must be served on the tenants. If the tenants fail to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

I find the landlord is entitled to monetary compensation pursuant to Section 67 in the amount of **\$50.00** comprised of the fee paid by the landlord for this application. I order the landlord may deduct this amount from the security deposit held in the amount of \$950.00 in satisfaction of this claim.

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 21, 2014

Residential Tenancy Branch

