



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FF

Introduction

This hearing dealt with the landlord's application for dispute resolution under the Residential Tenancy Act (the "Act"). The landlord applied for 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") and their witness attended the telephone conference call hearing; the tenants did not attend.

The landlord submitted evidence that each tenant was served notice with their Application for Dispute Resolution and Notice of Hearing by attaching the three separate sets of documents to the tenants' door on July 3, 2014. The landlord submitted that the documents were removed from the door, further proving service of the hearing documents, including the landlord's application.

Based upon the submissions of the landlord, I find the tenants were served notice of this hearing in a manner complying with section 89(2) 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

This tenancy began on May 16, 2014 and monthly rent is \$1600.

The landlord submitted 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 on June 20, 2014, an emergency response team from the police department, which included a helicopter, was called to the residential property, after arrests warrants were issued for the three tenants. The emergency response team forcibly removed the tenants' door in order to enter, at which time a significant amount of illegal drugs and stolen goods were discovered.

The landlord submitted that the tenants are well known to the police in trafficking in and receiving illegal drugs and stolen items, and the tenants appear to have a ring of 20-30 people involved in the distribution of the stolen items and illegal drugs.

The landlord submitted that a cache of firearms, including assault weapons, and 3 van loads of stolen items were removed from the rental unit.

The landlord submitted that tenant AC has been prohibited from returning to the city, by court order.

The landlord submitted that the owner is extremely concerned for the safety of his other tenants who reside at the residential property, due to the illegal activities.

The landlord provided links to the websites with news reports describing the series of events on June 20, 2014, concerning the capture and arrest of tenant AC.

The landlord's witness, a law enforcement officer, verified the content of the news reports, which was as described by the landlord.

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 for Cause if there is evidence that the tenants have 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.

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 substantiated reports that the tenants had a significant amount of illegal drugs and stolen items, which would lead a reasonable person to conclude that the tenants were involved with a distribution ring for the same. I find the tenants' actions have caused the emergency

response to be called to the premises, resulting in serious property damage. Based on these conclusions I find that the landlord has established sufficient cause to end this tenancy.

I am also convinced that it would be unreasonable and unfair to the landlord, to wait for the 1 Month Notice to End Tenancy to take effect, in order to be able to preserve property, to prevent further extraordinary damage at the hands of the tenants, and the ensure the safety of his other tenants. 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 tenants are 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*.

Dated: July 15, 2014

Residential Tenancy Branch

