



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 an Application for Dispute Resolution by the landlord for an order to end tenancy early and obtain an order of possession.

Although served with the Application for Dispute Resolution and Notice of Hearing by posting to the door of the rental unit on September 20, 2014, which was witnessed by a third party, the tenants did not appear.

Section 90 of the Act determines that a document served in this manner is deemed to have been served three days later. I find that the tenants have been duly served in accordance with the Act.

The landlord stated although he posted the documents to the door, they were also sent by text message to the tenants. Filed in evidence are text messages.

Issues to be Decided

Is the landlord entitled to end tenancy early and obtain an order of possession?

Background and Evidence

The tenancy began on February 23, 2014. Rent in the amount of \$1,300.00 was payable on the 23rd of each month. No security deposit was required to be paid.

The landlord testified that he is seeking to end tenancy early and obtain an order of possession as the tenants have used the rental premises for illegal purposes.

The landlord testified that he gave the tenants 24 hours notice that he was going to conduct an inspection of the rental unit. The landlord stated when he attended the rental

unit on September 17, 2014, he discovered a drug lab and the police were immediately notified. Filed in evidence are photographs of the rental unit.

The landlord testified that the police seized the rental premise to conduct their investigation and remove the hazardous material and that investigation is still ongoing.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

Section 56 of the *Act* allows a tenancy to be ended early without waiting for the effective date of a one month notice to end tenancy if there is evidence that the tenant has breached their obligations under the tenancy agreement or *Act* and it would be unreasonable or unfair to wait for the effective date of a one month notice to end tenancy.

In this case, I accept the evidence of the landlord that the tenants have engaged in illegal activity, by using the premises for a drug lab and that action has caused or is likely to cause damage to the landlord's property and jeopardized or is likely to jeopardize a lawful right or interest of the landlord.

I have also considered whether it would be unreasonable or unfair to the landlord to wait for a one month notice to end tenancy to take effect. In this case, the police have seized the landlord property and removed hazardous material from the premises. I find it would be unreasonable to wait for a one month notice to end tenancy to take effect. I grant the landlord's application to end this tenancy early.

Therefore, I grant the landlord an **immediate** order of possession. This order may be filed with the Supreme Court of British Columbia and enforced as an order of that court.

As the landlord has been successful with their application the landlord is entitled to recover the cost of filing their application from the tenants in the amount of \$50.00.

I grant the landlord a monetary order for this amount. This order may be filed in the Provincial Court (Small Claims) and enforced as an order of that court.

Conclusion

The landlord's application to end this tenancy early pursuant to section 56 of the *Act* is granted.

The landlord is granted an order of possession and a monetary order in the above amount.

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: October 01, 2014

Residential Tenancy Branch

