



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: ET

Introduction:

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for orders as follows:

- a) An Order of Possession pursuant to Sections 56 and 55 to end the Tenancy early; and
- b) An order to recover the filing fee pursuant to Section 72.

SERVICE:

The tenant did not attend. The landlord provided evidence that the tenant was served personally with the Application for Dispute Resolution on September 25, 2014. I find that the tenant was legally served with the Application according to section 89 of the Act.

Issue(s) to be Decided:

Is the landlord entitled to end this tenancy early pursuant to section 56?; have they shown on the balance of probabilities that it is unreasonable or unfair to the landlord or other occupants of the residential unit to wait for a notice to end tenancy under section 47 to take effect?

Background and Evidence:

The tenant did not attend. The landlord was given opportunity to be heard, to present evidence and to make submissions. The landlord said that the tenancy commenced on August 28, 2014, rent is \$850 a month and a security deposit of \$425 was paid.

The landlord described the premises as a house with motel type units around it. She said there have been serious problems ever since this tenant moved in, many perhaps caused by her room mates. On September 20, 2014, the police had to attend three times and they had the property under surveillance for suspected drug dealing. She said there was a drug raid on October 2, 2014 and one tenant has been maced. When the police attempted to enter, the tenant or occupants had boarded up the door and other tenants were even unable to access the laundry. She said it is unfair to the other

tenants to have to wait for a one month notice to end tenancy and continue to endure this significant disruption to their peaceful enjoyment. She requests an Order of Possession as soon as possible.

On the basis of the solemnly sworn evidence presented at the hearing, a decision has been reached.

Analysis

Order of Possession

I find that the landlord is entitled to an Order of Possession. Section 56 of the Act provides in part:

56 (1) A landlord may make an application for dispute resolution to request an order

(a) ending a tenancy on a date that is earlier than the tenancy would end if notice to end the tenancy were given under section 47 [landlord's notice: cause], and

(b) granting the landlord an order of possession in respect of the rental unit.

(2) The director may make an order specifying an earlier date on which a tenancy ends and the effective date of the order of possession only if satisfied, in the case of a landlord's application,

(a) the tenant or a person 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.

I find the evidence of the landlord and the letters from two affected tenants are credible. I find it would be unfair or unreasonable to wait for a notice to end tenancy to take effect in this case.

Conclusion:

The landlord is granted an Order of Possession effective two days from service. She requested no filing fees so none are awarded.

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 14, 2014

Residential Tenancy Branch

