



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FF

Introduction

This hearing dealt with an application by the landlord seeking to end the tenancy early and obtain an order of possession. The landlord participated in the conference call hearing but the tenant(s) did not. The landlord presented evidence that the tenants were served with the application for dispute resolution and notice of hearing by having a witness present when personally serving the tenant on October 14, 2014. I found that the tenants had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence. The landlord gave affirmed evidence.

Issues to be Decided

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

Background and Evidence

The landlord gave the following testimony:

The tenancy began on or about August 1, 2013. Rent in the amount of \$850.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$425.00. The landlord stated that this tenant has been problematic since she moved in. The landlord stated that the police have attended on numerous occasions to investigate; violence, drug trafficking, noise complaints, stolen property, sub standard living conditions and

prostitution. The landlord stated that he has made numerous attempts to work with the tenant and allow her to leave on her own terms. The landlord stated that the tenant has not paid the rent for four months. The landlord stated that the tenant had abandoned the unit for four weeks and that he had taken possession of it, but then the tenant convinced the landlord to let her into the suite to pick up some belongings and has since refused to leave. The landlord seeks to end this tenancy and requests an order of possession.

Analysis

In making an application for an early end to this tenancy the landlord has the burden of proving that there is cause for ending the tenancy, such as unreasonably disturbing other occupants, seriously jeopardizing the health and safety or lawful right or interest of the landlord and placing the landlords property at risk, and by proving that it would be unreasonable or unfair to the landlord or other occupants to wait for a One Month Notice To End Tenancy for Cause under Section 47 of the Act to take effect.

The landlord has submitted a detailed report from a Community Police Officer assigned to deal with the criminal element in the subject property neighborhood. The police officer has provided a detailed written chronology of violence and drugs so extreme that two individuals that have been occupants in the subject unit have been criminally charged after stabbing another individual. The landlord stated that he has several elderly tenants in the building who fear for their safety along with the safety of the building. The landlord gave first hand testimony as to the conditions of the unit that can only be described as deplorable.

I accept the landlord's undisputed testimony. I find it unreasonable or unfair to the landlord or the other occupants in the apartment building to wait for a One Month Notice to End Tenancy for Cause. Based on the above facts I find that the landlord is entitled to an order of possession. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

The landlord is also entitled to recovery of the \$50.00 filing fee. I order that the landlord retain \$50.00 from the security deposit

Conclusion

The landlord is granted an order of possession and may retain \$50.00 from the security deposit.

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: November 04, 2014

Residential Tenancy Branch

