



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

This was an application by the landlord for an early end of tenancy and an order for possession. The hearing was conducted by conference call. The landlord's agent attended, but the tenant did not call in and did not participate although he was served with the application and Notice of Hearing by registered mail sent on July 16, 2015.

Issue(s) to be Decided

Should there be an early end of tenancy?

Background and Evidence

The rental unit is a house in Surrey. The landlord submitted evidence, including inspection reports from the City of Surrey to establish that the tenant has used the rental property for the purposes of a marijuana grow-op. The electrical utilities to the rental property have been turned off. The City has levied a cost recovery fee of more than \$6,000.00 against the landlord. The landlord's agent testified that the tenant has acted in a violent and threatening manner towards the landlord; the landlord's property has been seriously damaged, the tenant has put the property at significant risk and in all the circumstances there should be an early end of tenancy and the landlord should be granted an immediate order for possession.

Analysis

Section 56 (2) of the Act permits me to make an order specifying an earlier date for the end of a tenancy than would be the case had the landlord issued a one month notice to end a tenancy for cause, only if I am satisfied that, among other matters, the tenant has put the landlord's property at significant risk 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 [*landlord's notice: cause*] to take effect. Section 56 (3) of the *Act* provides that: If an order is made under this section, it is unnecessary for the landlord to give the tenant a notice to end the tenancy.

The evidence of the landlord has satisfied me that the tenant or another occupant of the rental unit has put the landlord's property at significant risk and it would be unreasonable, or unfair to the landlord, to wait for a notice to end the tenancy under section 47 to take effect. Accordingly I order the tenancy to be at an end effective today, July 31, 2015 and I find that the landlord is entitled to an order for possession effective two days after service on the tenant. This order may be filed in the Supreme Court and enforced as an Order of that Court.

Conclusion

The tenancy has ended. The landlord has been granted an order for possession. The landlord is entitled to recover the \$50.00 filing fee for this application. He may retain the said sum 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: July 31, 2015

Residential Tenancy Branch

