



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 683709 BC LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET, FF

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the Act) for:

- an early end to this tenancy and an order of possession pursuant to section 56; and
- authorization to recover their filing fee for this application from the tenant pursuant to section 72.

The landlords' agents attended the hearing by conference call and gave undisputed affirmed testimony. The tenant did not attend or submit any documentary evidence. The landlords' agents stated that the tenant was served with the landlords' notice of hearing package and the submitted documentary evidence by Canada Post Registered Mail on October 15, 2015. The landlords' agents referred to the submitted copy of the Canada Post Registered Mail Customer Receipt Tracking number as confirmation that the tenant was served via Canada Post Registered Mail on October 15, 2015. I find based upon the undisputed affirmed evidence of the landlords' agents that I am satisfied that the tenant was properly served with the notice of hearing package and the submitted documentary evidence by Canada Post Registered Mail as per section 88 and 89 of the Act.

Issue(s) to be Decided

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

Is the landlord entitled to a monetary order for recovery of the filing fee?

Background and Evidence

While I have turned my mind to all the documentary evidence, and the testimony of the landlord, not all details of the submissions and / or arguments are reproduced here. , I refer to only the relevant evidence regarding the facts and issues in this decision.

The landlords' agents have provided direct testimony that the rental unit in question is a stand-alone unit within a 6 rental unit single building.

The landlords' agents presented evidence that the tenant has put the landlord's property at significant risk, engaged in illegal activity that has jeopardized or is likely to jeopardize a lawful right or interest of the landlord, and caused extraordinary damage to the residential property.

The landlords' agents submitted that in the month of September 2015, police raided the residential property due to heavy drug use and distribution by all the occupants of the residential property, including the rental unit in question here. According to the landlords' agents, the residential property with all 6 units is known for illegal drug trafficking and prostitution. The landlords' agents submitted that electric power to 5 of the 6 units has been disconnected.

The landlords' agents submitted that the residential property is an extreme hazard and could at any time become a fire hazard as told by the landlord on behalf of the Municipal Authorities representing the Bylaw Office, Fire Department and Police Department. According to the landlord's agent, the fire department has taken the unusual measure of placing smoke alarms in the rental units in order to reduce the risk to the safety of the occupants.

The landlord's agent, K.G. stated that she was physically threatened by the tenant, G.A. The landlord's agent, K.G. was informed by the police to stay away from the property until the tenants have been removed.

The landlord's agents stated that this tenant has pulled electrical wire through her walls to supply power unsafely to the other 5 units in the rental building against the landlord's wishes and against the recommendations of the Municipal Fire Services.

The landlord's agents have also provided undisputed affirmed evidence that this was newly renovated when the tenant moved in and that the tenant has caused or allowed holes to be put through the walls, cabinets smashed and damaged the light fixtures during her tenancy.

The landlords' agents submitted that an immediate eviction is the only way to deal with the imminent threat to the structure and safety of all tenants and occupants and allow the landlord to freely operate the rental property without fear for her safety.

Analysis

In accordance with section 56 of the Act, in receipt of a landlord's application to end a tenancy early and obtain an order of possession, an arbitrator may grant the application where the tenant has:

- significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property;
- seriously jeopardized the health and safety or a lawful right or interest of the landlord or another occupant;
- put the landlord's property in significant risk;
- engaged in illegal activity that:
 - has caused or is likely to cause damage to the landlord's property;
 - 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
 - has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord;
- caused extraordinary damage to the residential property.

In addition to showing at least one of the above-noted causes, the landlord must also show why it would be unreasonable or unfair to the landlord to wait for a 1 Month Notice to take effect.

I accept the undisputed evidence of the landlords' agents and I find on a balance of probabilities that the tenant has put the landlord's property at significant risk and has jeopardized the physical well-being of the landlord's agent.

I accept the landlords' undisputed evidence and find that the tenant has put the landlord's property at significant risk by drawing electrical power from another rental unit creating an extreme fire hazard to the residential property as per the landlord's direct testimony. The landlord has also provided undisputed evidence that the rental unit has holes in the walls and smashed cabinets.

I accept the landlords' undisputed evidence that the tenant, G.A. has threatened physical harm to the landlord's agent which would jeopardize the landlord's lawful right or interest regarding the rental property.

Based on these conclusions, I find that the landlord has established sufficient cause to end this tenancy to prevent further extraordinary damage and jeopardizing the landlord's lawful right or interest and that it would be unreasonable and unfair to the landlords to wait for the 1 Month Notice to take effect. I grant the landlords' application to end this tenancy early and to issue an order of possession in the landlords' favor.

As the landlord was successful in this application, I find that the landlord is entitled to recover the \$50.00 filing fee paid for this application.

Conclusion

I grant an Order of Possession to the landlord effective **two days after service of this Order** on the tenant(s). Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

I grant a Monetary Order to the landlord of \$50.00. The tenant must be served with this Order. Should the tenant fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court and enforced as Orders of that Court.

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 09, 2015

Residential Tenancy Branch

