



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

ET, FF

Introduction

This is the Landlord's application for an early end to tenancy and Order of Possession; and to recover the cost of the filing fee from the Tenant.

The Landlord gave affirmed testimony at the Hearing.

The Landlord testified that he served the Tenant with the Notice of Hearing documents and copies of his documentary evidence, by posting the documents to the door of the rental unit on November 30, 2015.

Based on the Landlord's affirmed testimony, I find that the Tenant was duly served with the documents in accordance with the provisions of Section 89(2)(d) of the Act.

Issue to be Decided

Is the Landlord entitled to an Order of Possession pursuant to the provisions of Section 56 of the Act?

Background and Evidence

This tenancy began on November 17, 2015. Monthly rent is \$1,775.00, due on the first day of each month. The Tenant paid a security deposit in the amount of \$887.50 at the beginning of the tenancy.

The Landlord gave evidence that on November 20, 2015, after being suspicious because of the Tenant's "aggressive" behaviour, he "googled" the Tenant's name and found out that the Tenant had an extensive and recent criminal past, including possession of cocaine for the purpose of trafficking, breaking and entering, breach of Court Orders, and theft. On November 26, 2015, the Landlord received a written complaint from the property management company stating that the Tenant was accused of "frequent lengthy yelling of profanities and loud construction". A copy of the complaint was provided in evidence. The Landlord went to the RCMP and was advised that there is a Canada wide warrant for the Tenant's arrest and that the Tenant is forbidden from renting property.

The Landlord stated that the Tenant's leased car is still parked at the rental property and has sustained significant damage. The Landlord is fearful for his personal safety. The Landlord testified that on November 29, 2015, the RCMP "executed a stakeout of the rental property, including three armed officers and a police dog", but the Tenant has not been seen since November 17, 2015.

Analysis

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 Landlord's property at significant risk. The Landlord must also show 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.

Based on the Landlord's undisputed affirmed testimony and documentary evidence, I am satisfied that the Landlord has proven that there is cause to end the tenancy and that it would be unreasonable or unfair to the Landlord to wait for a one month Notice to End Tenancy for cause to take effect. I accept the Landlord's testimony that the police attended at the rental unit with three armed officers and a police dog in order to arrest the Tenant and that this put the safety of the Landlord and other occupants in the rental property at significant risk.

I hereby provide the Landlord with an Order of Possession effective immediately.

The Landlord has been successful in his Application and I find that he is entitled to recover the cost of the filing fee from the Tenant. Pursuant to the provisions of Section 72 of the Act, the Landlord may deduct the **\$50.00** filing fee from the security deposit.

Conclusion:

I hereby provide the Landlord an Order of Possession **effective immediately**. This Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

The Landlord may deduct **\$50.00** from the security deposit, in recovery of the cost of the filing fee.

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: December 18, 2015

Residential Tenancy Branch

