



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes et, ff

Introduction

The landlord seeks an order of an early end of this tenancy and an Order of Possession.

The landlord attended the conference call hearing and gave oral testimony. The tenants did not attend. I accept that the tenants were properly served with the Application for Dispute resolution hearing package by way of posting on their door. Such service satisfies the provisions of Section 89(2) of the Residential Tenancy Act and the tenants are deemed to have received these documents by virtue of Section 90(c).

Issue(s) to be Decided

Is the landlord entitled to an order ending the tenancy early?

Is the landlord entitled to an Order of Possession?

Background and Evidence

The tenants rent the upper part of a two storey house. Rent is \$1,200.00 per month, and no rent has been paid for June. Based upon the submitted evidence and the testimony heard at the hearing, I accept that the tenants had a pit bull that they allowed to run around on the street unleashed. There was a lot of guest traffic to and from the premises by day and night. Complaints were made to the City of Surrey about loud music disturbing the neighbourhood. On May 16, 2016, a Search Warrant was executed by police on reasonable grounds for believing that there would be evidence of drugs, a weapon and ammunition, and other materials related to trafficking and possession of controlled substances. The police kicked in the doors, removed materials, and arrested the occupants. Newspaper articles indicate that this raid was part of an investigation and bust of a "dial-a-dope" drug trafficking operation..

The tenant who resides in the lower portion of the home provided a written statement. She advised that her rental premises were entered and searched by the police. Her patio window was smashed and later repaired with a piece of press board. An interior door was fractured. The tenant was in complete shock. Her cat was missing. Her 9 year old son is now staying with his dad, and can not return until the upper tenants have vacated the premises. Cars have been stopping by at different times of the day and night, and she is fearful of these strangers. Her cat will now not come out of the

bathroom. She feels unsafe in her own home, and is experiencing overwhelming emotions of sadness, anger, and frustration.

The landlord testified that some of the tenants' belongings are gone, while others remain in the house. The tenants do not seem to be residing in the home, but they have not returned the keys, or relinquished possession.

Analysis

Section 56 of the Residential Tenancy Act permits a landlord to end a tenancy without notice to the tenant in situations where the tenant has:

- significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property;
- seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant;
- put the landlord's property at significant risk;
- engaged in illegal activity that has, or is likely to damage the landlord's property, adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant, jeopardize a lawful right or interest of another occupant or the landlord or cause extraordinary damage to the residential property; **and**

provided that the landlord also proves that 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.

The facts in evidence convince me that the lower tenant's right to quiet enjoyment of her home has been seriously jeopardized by the conduct and events attributable to the upper tenants. She has had to endure the trauma of her own home being forcibly entered and searched and damaged, and remains very anxious about the safety of her son, her cat and herself.

I find that the tenants' conduct in allowing a potentially dangerous dog to roam free, in disregarding the sensitivities of their neighbours with playing of loud music, in inviting guests at all hours, and in engaging in illegal drug activity that carries an inherent prospect of violence and shootings, all demonstrates a callous disregard for the lower tenant and the landlord. I find it would be unreasonable and unfair to the Landlord to wait for a one month eviction notice for cause under section 47 to take effect. That notice would not end the tenancy until July 31, 2016. I find it reasonable and fair under all the circumstances that this tenancy end immediately. I therefore issue an Order of Possession effective Saturday, June 11, 2016.

Conclusion

Pursuant to Section 56(2) of the Residential Tenancy Act, I issue an Order of Possession effective on June 11, 2016. The tenants must be served forthwith with this Order, which service can be made by way of posting on the door. Should the tenants fail to comply with this Order, the landlord may register the Order with the Supreme Court for enforcement.

The landlord is also entitled to recover the \$100.00 filing fee from the tenants.

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: June 10, 2016

Residential Tenancy Branch