



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FF

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking an order to end the tenancy early without the benefit of a notice to end tenancy.

The hearing was conducted via teleconference and was attended by the landlord

The landlord provided documentary evidence to confirm the tenant was served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 52(3) of the *Manufactured Home Park Tenancy Act (Act)* by registered mail on January 6, 2017 in accordance with Section 82. Section 83 of the *Act* deems documents served in such a manner to be received on the 5th day after they have been mailed.

Based on the documentary evidence and testimony of the landlord, I find that the tenant has been sufficiently served with the documents pursuant to the *Act*.

At the outset of the hearing the landlord corrected the spelling of the tenant's last name. I have amended the landlord's Application for Dispute Resolution to reflect the correct spelling of the tenant's last name.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession for cause and without notice to end the tenancy and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 49, 60, and 65 of the *Act*.

Background and Evidence

The landlord submitted that the tenancy began in May 2015 as a month to month tenancy for a monthly rent of \$800.00 due on the 1st of each month.

The landlord submitted that the tenants installed dangerous electrical work to accommodate a marijuana grow operation. He testified that the tenant had threatened Safety Authority workers who were trying to remove the electrical work.

The landlord also testified that on December 19, 2016 in the presence of 11 police officers that the tenant threatened to shoot the landlord in the head.

In support of his testimony the landlord submitted a video showing unapproved wiring on the property.

Analysis

Section 49(1) of the *Act* states a landlord may submit an Application for Dispute Resolution to see an order ending a tenancy on a date that is earlier than the tenancy would end if notice to end the tenancy were given under Section 40 (1 Month Notice to End Tenancy for Cause).

Section 49(2) states the director may grant an order of possession based on such an application if:

- a) The tenant or a person permitted in the manufactured home park by the tenant has:
 - i. Significantly interfered with or unreasonably disturbed another occupant or the landlord of the manufactured home park,
 - ii. Seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant,
 - iii. Put the landlord's property at significant risk;
 - iv. Engaged in illegal activity that
 - a) Has caused or is likely to cause damage to the landlord's property,
 - b) Has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the manufactured home park, or
 - c) Has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord;
 - v. has caused extraordinary damage to the manufactured home park; and
- b) It would be unreasonable, or unfair to the landlord or other occupants of the manufactured home park, to wait for a notice to end the tenancy under Section 40 to take effect.

I am satisfied, based on the landlord's undisputed testimony and evidence that the tenant has engaged in illegal activity that has adversely affected his security and safety, by way of threatening the landlord.

Conclusion

I find the landlord is entitled to an order of possession effective **two days after service on the tenant**. This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

I find the landlord is entitled to monetary compensation pursuant to Section 60 in the amount of **\$100.00** comprised of the \$50.00 fee paid by the landlord for this application. This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order in the Provincial Court (Small Claims) and be enforced as an order 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 *Manufactured Home Park Tenancy Act*.

Dated: January 27, 2017

Residential Tenancy Branch