



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

On January 23, 2017, the Landlord submitted an Application for Dispute Resolution for an early end of tenancy. The matter was scheduled as teleconference hearing. The Landlord and Tenant attended the hearing.

The Landlord and Tenant were provided the opportunity to present his evidence orally and in written and documentary form, and to make submissions at the hearing. Both parties provided affirmed testimony.

Preliminary and Procedural Matters

At the start of the hearing, the Tenant spoke up and stated that he does not oppose the Landlord's Application for an order of possession. The Tenant submitted that he moved out of the rental unit in the middle of January 2017.

The Landlord submitted that although the Tenant has stated he has moved out of the rental unit, the Landlord still wishes to receive an order of possession.

The Landlord testified that there was a police raid and there were issues of drugs and illegal acclivity on the property.

Analysis

Under section 56 of the Act, the director may end a tenancy and issue an order of possession only if satisfied, in the case of a Landlord's application, the Tenant or a person permitted on the residential property by the Tenant has done any of the following:

- 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 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, 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 to take effect.

Section 44 of the Act states that a tenancy ends only if the tenant vacates or abandons the rental unit.

Based on the affirmed testimony of the Tenant that he has moved out of the rental unit, I find that the tenancy has ended. In addition, the Tenant testified that he does not oppose the Landlord's Application for an order of possession pursuant to section 56 of the Act.

I find that the Landlord is entitled to an order of possession, effective one day after service on the Tenant pursuant to section 56 of the Act. This order may be filed in the Supreme Court and enforced as an order of that Court. The Tenant is cautioned that costs of such enforcement are recoverable from the Tenant.

Conclusion

The Tenant has moved out of the rental unit and the tenancy is over.

The Landlord is granted an order of possession effective one (1) day after service on the Tenant.

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: February 16, 2017

Residential Tenancy Branch