



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

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 tenant did not attend this hearing. The landlord gave written evidence and sworn oral testimony that copies of the landlord's dispute resolution hearing package was sent to the tenant by registered mail on February 7, 2017. The landlord entered into written evidence copies of the tracking slip, including the Canada Post Tracking Number, showing that their hearing package was sent to the tenant by registered mail and delivered and signed for by the tenant on February 8, 2017. In accordance with section 89 of the *Act*, I am satisfied that the tenant has been served with the landlord's dispute resolution hearing package.

Issues(s) to be Decided

Is the landlord entitled to an Early End of Tenancy and an Order of Possession?
Is the landlord entitled to recover the filing fee for this application from the tenants?

Background and Evidence

The tenancy began on or about November 1, 2014. Rent in the amount of \$800.00 is payable in advance on the first day of each month. The landlord testified that the property management company that manages this location contacted her and advised her that her tenant is drug dealer and that criminal activity is going on in her suite. The landlord testified that the local police have attended there and advised the landlord that she should have the tenant evicted. The landlord testified that she has not been able to discuss this matter with the tenant as she has been unable to contact him by phone or meet with him in person.

Analysis

When a landlord makes an application for an early end to tenancy, the landlord has the burden of proving that:

1. 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; and
2. 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.

In this case, I am not satisfied that the landlord has met either part of the test. The landlord did not provide sufficient documentation from either the local police or the property management company to support the allegations of criminal activity at the time of this hearing. In addition, the landlord testified that she doesn't have any firsthand knowledge of the alleged events. Based on the insufficient evidence before me, I must dismiss this application.

Conclusion

The landlords' application is dismissed.

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: March 02, 2017

Residential Tenancy Branch