



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

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.

The tenants did not participate in the conference call hearing, which lasted approximately 10 minutes. The landlord's agent (the "landlord") attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The landlord confirmed he was an agent of the landlord's company named in this application, and had authority to speak on its behalf.

The landlord testified that each tenant was served with a copy of the application and the hearing package on March 23, 2017 by registered mail to the rental unit. The landlord provided the Canada Post tracking numbers into oral evidence to verify this method of service; these numbers are detailed on the front page of this Decision. The Canada Post website shows that the documents were received and signed for on March 28, 2017. Therefore, based on the undisputed evidence before me, I find the tenants were served pursuant to Section 89(1) (c) of the *Act*

Issue(s) to be Decided

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

Background and Evidence

As per the testimony of the landlord, the tenancy began on April 15, 2016 on a month-to-month basis. Rent in the amount of \$650.00 is payable on the first of each month. The tenants remitted a security deposit in the amount of \$325.00 at the start of the tenancy.

The landlord testified that a search warrant conducted by police on March 11, 2017 resulted in the seizure of drugs, weapons and other items. To corroborate his

testimony, the landlord provided an email written by a police member involved with the search. This email states the following were seized;

- \$3,000.00 cash
- Heroin
- Marijuana
- Numerous bottles of pills
- Several small baggies of cocaine
- 5 laptops
- 6 tablets
- 20 cellphones
- Over 50 identification documents
- 15 power tools
- 3 airsoft guns
- 1 pellet rifle
- 2 cans of bear mace

The police member writes that the quantity of drugs seized from the rental unit is consistent with drug trafficking and that the continuation of the tenants' tenancy is placing other residents, guests, and staff at risk. The landlord seeks to end the tenancy on this basis.

Analysis

Section 56 of the *Act* establishes the grounds whereby a landlord may make an application for dispute resolution to request an end to a tenancy and the issuance of an order of possession on a date that is earlier than the tenancy would end if notice to end the tenancy were given under section 47 for a landlord's notice for cause. In order to end a tenancy early and issue an order of possession under section 56, I need to be satisfied that the tenant or person permitted on the 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 interests 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;*

- *engaged in illegal activity that 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;*
- *engaged in illegal activity that 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, the tenant 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.

Based on the evidence presented, and on the balance of probabilities, I am satisfied that this tenancy should end early. I find the landlord presented undisputed evidence that the tenants are involved in illegal activity that places other residents, guests and staff at risk.

I am satisfied that it would be unreasonable and unfair to the landlord and other occupants to wait for a notice to end tenancy under section 47 to take effect. Therefore, pursuant to section 56 of the *Act*, I grant the landlord an order of possession for the rental unit effective two days after service upon the tenant.

Conclusion

I grant an order of possession to the landlord effective **two (2) days after service on 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: April 13, 2017

Residential Tenancy Branch