



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FF

Introduction

This is an application brought by the Landlord requesting an order for an early end to the tenancy, and an order for recovery of the filing fee.

A substantial amount of documentary evidence, photo evidence, and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all relevant submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All parties were affirmed.

Issue(s) to be Decided

The issue is whether or not the landlord has established the right to an early end of this tenancy and recovery of his filing fee.

Background and Evidence

This tenancy began on July 1, 2015, and the present monthly rent is \$1550.00, due on the first of each month.

The property manager testified that they believe an early end to this tenancy is justified because the respondent is putting the other occupants of the rental property at significant risk.

The property manager further testified that the other tenants of this rental property fear for their safety, due to ongoing issues from the respondent's rental unit, which include things such as illegal drug use, drug trafficking, and prostitution, which have resulted in approximately 40 RCMP visits to this rental unit. There was even a heroin overdose in the rental unit by one of the respondent's friends.

The property manager also testified that there have been numerous home invasions in the rental unit by the respondent's drug associates, that have been the cause of some of the RCMP responses.

The property manager further testified that he has supplied complaint letters from the other tenants in his evidence package, and they were willing to sign those letters even though they fear repercussions from the respondent, who is a very volatile man.

The property manager further testified that he has supplied photo evidence of the numerous needles/drug paraphernalia that are in and around the rental unit.

The property manager is therefore requesting an early end to this tenancy so this tenant can be removed before someone gets hurt.

The respondent testified that the property manager's claim of 40 police visits to the rental unit is a gross exaggeration and believes there have probably been no more than five. The respondent further testified that one of those visits was due to the property manager assaulting his girlfriend, and as a result he called the police when she came to him for help. He further states that this resulted in a no contact order against the property manager and therefore he's not even supposed to be at the property.

The respondent further testified that it is the property manager that is the problem as he has an extensive criminal record and the other tenants are afraid of the property manager.

The respondent further testified that he does not believe the landlord actually wants him to move, it's the property manager who is instigated this, and the landlord is afraid of the property manager.

The respondent further testified that there have never been any home invasions in his home, and the only assault that has occurred in his home, was when he was punched by the property manager.

The respondent further testified that he is not a drug dealer, he's a roofer, and the property manager has even interfered with his business by lying to potential clients.

The respondent further stated that he has seen the letters supplied by the property manager and, although he does not deny that the other tenants signed the letter, he states that the reason they signed those letters is because they are all afraid of the property manager.

In response to the respondent's testimony the property manager testified that he did on one occasion have a fight with his girlfriend, however there is no, no contact order against him, and the other tenants at the rental property are not afraid of him, nor is his girlfriend and their written statement has been given freely.

The property manager further states that, at no time has he ever punched the respondent, and that that allegation is totally false. Had he done so he's sure the respondent would have called the police, and yet no such file exists.

The property manager reiterates that, his biggest fear is for the safety of the other tenants.

Analysis

It is my finding that the landlord has shown that there are reasonable grounds for an early end to this tenancy.

The property manager claims that there have been at least 40 police visits to the rental unit, a claim that the respondent denies, however the respondent admits there have been approximately 5 visits and he only supplied an explanation for one of those visits.

The respondent claims that it is the property manager was trying to get him to move out, and not the landlord; however the landlord gave direct testimony supporting the evidence provided by the property manager.

Further, the property manager has provided written statements from tenants at the rental unit that support the claims of drug activity and RCMP involvement, and although the respondent claims that the other tenants signed these documents because they are afraid of the property manager, he has provided no evidence in support of that claim.

It is my decision therefore, that I allow an early end to this tenancy and an Order of Possession.

I also allow the landlords request for recovery of the filing fee.

Conclusion

I hereby Order an early end to this tenancy, and have issued an Order of Possession that is enforceable two days after service on the tenant.

I have also issued a Monetary Order for \$100.00, for recovery of the filing fee.

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 24, 2017

Residential Tenancy Branch