



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding LANGLEY LIONS SENIOR CITIZENS HOUSING SOCIETY  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      ET

### Introduction

This hearing was convened by way of conference call concerning an application made by the landlord seeking an Order of Possession ending the tenancy earlier than a notice to end the tenancy would take effect.

An agent for the landlord attended the hearing and gave affirmed testimony. The landlord's agent was also accompanied by an observer who did not testify or take part in the proceedings. The landlord's agent also called one witness who gave affirmed testimony.

The line remained open while the phone system was monitored for 10 minutes prior to hearing any testimony and no one for the tenant joined the call. The landlord's witness testified that he personally served the tenant with the Hearing Package which contained notice of this hearing on February 6, 2018. I accept that testimony, and I find that the tenant has been served in accordance with the *Residential Tenancy Act*.

### Issue(s) to be Decided

Has the landlord established that the tenancy should end earlier than a notice to end the tenancy would take effect?

### Background and Evidence

The landlord's agent testified that this month-to-month tenancy began on December 1, 2014 and the tenant still resides in the rental unit. Rent is subsidized, and the tenant's share is \$451.00 per month payable on the 1<sup>st</sup> day of each month. At the outset of the tenancy the landlord collected a security deposit from the tenant in the amount of \$295.50 which is still held in trust by the landlord, and no pet damage deposit was collected. The rental unit is one of 25 units, some of which are housing for people with

mental illness. A copy of the tenancy agreement has been provided as evidence for this hearing.

The landlord's agent further testified that on February 2, 2018 a neighbouring tenant went to the tenant's rental unit to ask for an aspirin and found a bunch of people in the rental unit who appeared to be very high on illegal substances. One of the people in the rental unit gave the neighbouring tenant some pills in a plastic bag and was told it was OxyContin. The neighbouring tenant phoned police and a support worker. When police arrived, the tenant was screaming and running in the halls, obviously high, and left the complex. The landlord's agent was made aware of the problem, and police deemed the tenant to be a missing person, but the police did not remove the other people. The tenant eventually returned.

The landlord's agent has also witnessed people trying to get into the apartment complex who are not residents. Each resident only gets one key. A person buzzed the tenant's phone to get into the building, but the tenant didn't answer, so the person buzzed other units. Someone answered and the person wanted to get in and wanted money. The landlord's agent stepped in, did not allow entrance, and walked the person off the property. The landlord's agent also witnessed tape in the outside door to keep it open.

The tenant has told his social worker that people won't leave, and 3 are still squatting in the tenant's rental unit, and taking advantage of the tenant.

The tenant was also personally served with a One Month Notice to End Tenancy for Cause on February 5, 2018. A copy has been provided for this hearing, and it is dated February 5, 2018 and contains an effective date of vacancy of March 31, 2018. The reasons for issuing it state:

- Tenant has allowed an unreasonable number of occupants in the unit/site;
- Tenant or a person permitted on the property by the tenant has:
  - significantly interfered with or unreasonably disturbed another occupant or the landlord;
  - seriously jeopardized the health or safety or lawful right of another occupant or the landlord;
  - put the landlord's property at significant risk;
- Tenant or a person permitted on the property by the tenant has engaged in illegal activity that has, or is likely to:
  - damage the landlord's property;
  - adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord;

- jeopardize a lawful right or interest of another occupant or the landlord.

The tenant has not served the landlord with an Application for Dispute Resolution disputing the notice. The landlord's agent is the Executive Director of the landlord society, and has made the decision that because of the Fentanyl crisis in the City, there is great concern of squatters remaining in the rental unit freely handing out drugs.

### Analysis

I accept the undisputed testimony of the landlord's agent that a Fentanyl crisis exists in the Province of British Columbia, and persons who are not residents of the rental unit freely handing out drugs to those with mental illness or those with drug addiction, puts the tenants in the building at risk, including the tenant in this matter. I also accept the undisputed testimony of the landlord's agent that the non-residents are still squatting in the rental unit, and the tenant is unable to cause them to leave. I find that it would be unreasonable or unfair to the landlord or other occupants of the residential property to wait for the One Month Notice to End Tenancy for Cause to take effect and I grant an immediate Order of Possession in favour of the landlord.

### Conclusion

For the reasons set out above, I hereby grant an Order of Possession in favour of the landlord effective immediately.

This order is final and binding and may be enforced.

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 15, 2018

---

Residential Tenancy Branch