



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding RED DOOR HOUSING SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET, FFL

Introduction

On June 7, 2018, the Landlord submitted an Application for Dispute Resolution for an early end of tenancy and an order of possession for the rental unit. The matter was scheduled as teleconference hearing. The Landlord attended the hearing; however, the Tenant did not.

The Landlord testified that the Tenant was served with the Notice of Hearing documents by mailing them to her using registered mail on June 11, 2018. The Landlord testified that the hearing documents were also posted to the door of the rental unit. I find that the Tenant was served with the Notice of Dispute Resolution Proceeding in accordance with sections 89 and 90 of the Act and failed to attend in the hearing.

The Landlord was provided the opportunity to present her evidence orally and in written and documentary form, and to make submissions at the hearing.

Background

The Landlord testified that the tenancy began on February 1, 2009, on a month to month basis. The Landlord testified that rent in the amount of \$595.00 is due by the first day of each month. The Landlord testified that the Tenant paid a security deposit of \$710.00 and a pet damage deposit of \$575.00.

The Landlord testified that the Tenant was issued a 2 Month Notice To End Tenancy For Landlord's Use Of Property for failure to qualify for the subsidized rental unit. The Tenant did not dispute the 2 Month Notice and did not move out of the unit on May 31, 2018; the effective date of the Notice.

The Landlord accepted a rent payment for June 2018, from the ministry on the basis of use and occupancy only.

The Landlord testified that the police have recently had to attend the rental unit on a number of occasions. The Landlord testified that she has received reports from other residents on the rental property that the Tenant is engaged in drug activity. The Landlord testified that people are coming and going from the rental unit and an unidentified male was seen selling drugs at the rental unit. The Landlord provided a police report number.

The Landlord testified that the Tenant has caused extensive damage to the interior of the rental unit. She testified that there are holes in the doors and walls. She testified that the Tenant has changed the locks to the door without authorization.

The Landlord is seeking an immediate order of possession for the rental unit.

Analysis

Section 56 of the *Act* states that a Landlord may make an application for dispute resolution to request an order to end a tenancy on a date that is earlier than the tenancy would end if notice to end the tenancy were given under section 47 and granting the Landlord an order of possession in respect of the rental unit. If an order is made under this section, it is unnecessary for the Landlord to give the Tenant a notice to end the tenancy.

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.

An application for an early end of tenancy is reserved for situations where a Tenant poses an immediate and severe risk to the rental property, other occupants, or the Landlord. An application for an early end of tenancy is such that a Landlord does not have to follow the due process of ending a tenancy by issuing a notice to end tenancy which gives the Tenant the right to dispute the Notice by applying for dispute resolution.

Based on the evidence above, the testimony of the Landlord, and on a balance of probabilities, I find that the Tenant was properly served with notice of this hearing and failed to attend.

I find that the Tenant is responsible for illegal activity on the property and has caused damage to the rental unit.

I find that the Tenant has put the Landlord's property at significant risk 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. I note that the tenancy is conclusively presumed to have ended on May 31, 2018, when the Tenant failed to dispute an earlier notice.

Therefore, I am ordering that the tenancy will end immediately.

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.

Section 72 of the *Act* gives me authority to order the repayment of a fee for an application for dispute resolution. As the Landlord was successful with her application, I order the Tenant to repay the \$100.00 fee that the Landlord paid to make application for dispute resolution. I authorize the Landlord to withhold \$100.00 from the security deposit.

Conclusion

The Tenant has engaged in, or permitted, illegal activity and has caused extraordinary damage to the rental unit, 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.

The tenancy is ending immediately. 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: July 05, 2018

Residential Tenancy Branch