



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding TRADCO VENTURES LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET, FFL

Introduction

On August 15, 2018, the Landlord made an Application for Dispute Resolution seeking an early end to this tenancy and an Order of Possession pursuant to Section 56 of the *Residential Tenancy Act* (the “*Act*”) and seeking to recover the filing fee pursuant to Section 72 of the *Act*.

D.D. attended the hearing as the owner/Landlord. The Tenant did not attend the hearing. D.D. provided a solemn affirmation.

The Landlord confirmed that the Tenant was served the Notice of Hearing package and evidence by hand on August 21, 2018. Based on the undisputed testimony, in accordance with Sections 89 and 90 of the *Act*, I am satisfied that the Tenant was served the Notice of Hearing package and Landlord’s evidence.

I have reviewed all oral and written submissions before me; however, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issue(s) to be Decided

- Is the Landlord entitled to an early end to this tenancy and an Order of Possession?
- Is the Landlord entitled to recovery of the filing fee?

Background and Evidence

The Landlord stated that the tenancy started on December 1, 2009 and rent was currently \$850.00 per month, due on the first of each month. A security deposit was not collected.

The Landlord made several statements with respect to the Tenant being late in paying rent every month, justifying his belief that the tenancy should be ended early on this basis. He also stated that there were “crackheads crawling” around the property and through the windows. He submitted that the Tenant is on drugs and that he invites people over, who also use drugs. He stated that he observes people visit the rental unit and he speculates that drug transactions may be taking place. The Landlord stated that he called the police one time and an officer showed up and advised him that the Landlord could not simply kick out the Tenant but must abide by the rules and regulations of the *Act*. The Landlord advised that he received a police file number, but he did not have the file, nor did he submit any evidence to corroborate any of his testimony.

Analysis

Section 56 of the *Act* establishes the grounds for a Landlord to make an Application requesting an early end to a tenancy and the issuance of an Order of Possession. In order to end a tenancy early and issue an Order of Possession under Section 56, I need to be satisfied that 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 and affirmed testimony before me, I do not find that the Landlord has provided any evidence to substantiate that the Tenant has engaged in any of the above behaviours and that "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 for cause" to take effect.

Under the circumstances described, I do not find that the Landlord has provided sufficient evidence to warrant ending this tenancy early. As such, I find that the Landlord is not entitled to an Order of Possession, and I dismiss this Application in its entirety.

As the Landlord was unsuccessful in his claims, I find that the Landlord is not entitled to recover the \$100.00 filing fee paid for this Application.

Conclusion

I dismiss the Landlord's Application without leave to reapply.

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: September 28, 2018

Residential Tenancy Branch