



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

On August 16, 2019, the Landlord submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (“the Act”) for an early end of tenancy and an order of possession for the rental unit.

The matter was set for a conference call hearing. The Landlord attended the hearing; however, the Tenants did not. The Landlord provided affirmed testimony that she served each of the Tenants with the Notice of Dispute Resolution Proceeding in person on August 22, 2019. The Landlord provided a proof of service document.

I find that the Tenants were served with notice of the hearing in accordance with sections 89 and 90 of the Act, and they failed to attend 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 in June 2019, on a month to month basis. The Landlord testified that rent in the amount of \$1,150.00 is due to be paid to the Landlord by the first day of each month. The Landlord testified that the Tenants paid a security deposit of \$500.00.

The Landlord testified that at the start of the tenancy, the Tenants immediately invited unauthorized occupants to live in the unit. The Landlord testified that the Tenant’s son who moved into the unit was subsequently arrested for robbing a local bank.

The Landlord testified that she has observed heavy traffic of street people coming onto the rental property at all hours of the day and night. She testified that she has observed drug transactions and has observed the Tenants and their guests smoking drugs using a glass pipe on the property and within the rental unit. The Landlord provided photographs of drug paraphernalia on the property.

The Landlord testified that she has heard the Tenants engage in physical fighting on the property and she testified that the female Tenant told her that the male Tenant assaulted her by kicking her.

The Landlord testified that the police have attended the property 10 times and informed her that the Tenants are well known to them and there is a record of over 400 interactions with them.

The Landlord lives in the upper part of the rental home and testified that she does not feel safe. She testified that the male Tenant swears at her using rude names.

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.

Based on the evidence above, the testimony of the Landlord, and on a balance of probabilities, I find that the Tenants or their occupants have engaged in illegal activity that has caused or is likely to cause damage to the Landlord's property, and have adversely affected or are likely to adversely affect the quiet enjoyment, security, safety or physical well-being of the Landlord.

I find that it would be unreasonable, or unfair to the Landlord to wait for a notice to end the tenancy under section 47 to take effect.

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 Tenants 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 Tenants are cautioned that costs of such enforcement are recoverable from the Tenants.

Section 72 of the Act gives me authority to order the repayment of a fee for an application for dispute resolution. I order the Tenants 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 Tenants have engaged in illegal activity that has caused or is likely to cause damage to the Landlord's property, and have adversely affected or are likely to adversely affect the quiet enjoyment, security, safety or physical well-being of the Landlord.

The tenancy is ending immediately.

The Landlord is granted an order of possession effective one (1) day 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: August 29, 2019

Residential Tenancy Branch