



Dispute Resolution Services

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Residential Tenancy Branch Office of Housing and Construction Standards

A matter regarding ATIRA PROPERTY MANAGEMENT
INC. and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* ("Act") for:

- an Early End to Tenancy and an Order of Possession, pursuant to section 56.

Only the landlord's agent, S.I. (the "landlord") attended the hearing. The landlord was given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

The landlord explained the application for dispute resolution and evidentiary package were posted to the tenant's door on December 10, 2019. The landlord said she also spoke in person to the tenant about the pending hearing. Pursuant to sections, 88, 89 & 90 of the *Act*, the tenant is deemed served with the application and evidence three days after their posting, December 13, 2019.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

The landlord explained this tenancy began on September 1, 2019. Rent was \$375.00 per month and a security deposit of \$187.50 paid at the outset of the tenancy continues to be held by the landlord. The landlord said she was seeking an Early End of Tenancy due to a series of significant events which had placed the property and other residents in danger. Specifically, the landlord cited the December 4, 2019 arrest of the tenant in the rental unit along with a series of complaints which had been levied against the tenant throughout the course of her tenancy. The landlord noted that on December 4, 2019 the police attended the unit and arrested the tenant along with her boyfriend and another frequent guest. Following a conversation with the police the landlord testified that she was informed of the presence of a Fentanyl laboratory in the rental unit along with the discovery of two, loaded handguns. A letter detailing the landlord's concerns dated December 4, 2019 was written to the tenant.

Following the arrest of the tenant, the landlord explained the police remained on the property for 48 hours. The landlord described ongoing police involvement as "disturbing" for the other tenants, noting the police remained at the scene "guarding" the doors.

Analysis

Section 56 of the *Act* requires the landlord to show, on a balance of probabilities, that the tenancy must end earlier than the thirty days indicated on a 1 Month Notice, due to the reasons identified in section 56(2) of the *Act* **AND** that it would be unreasonable or unfair for the landlord or other occupants to wait for a 1 Month Notice to take effect, as per section 56(2)(b).

On a balance of probabilities pursuant to Residential Tenancy Rule of Procedure 6.6, and for the reasons stated below, I find that the landlord's application satisfies all requirements for an Early End of Tenancy under section 56(2)(b) of the *Act*. I find that the landlord provided sufficient evidence that it would be unreasonable to issue a 1 Month Notice to the tenant, as the testimony and documents presented by the landlord demonstrated a significant hazard present in the rental unit.

Accordingly, I allow the landlord's application for an early end to this tenancy and an Order of Possession will be issued for December 30, 2019.

Conclusion

The landlord will be given a formal Order of Possession which must be served on the tenant. If the tenant does not vacate the rental unit by 1:00 P.M. on December 30, 2019 the landlord may enforce this Order in the Supreme Court of British Columbia.

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: December 28, 2019

Residential Tenancy Branch