



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

This hearing convened as a result of a Landlord's Application for Dispute Resolution, filed on February 20, 2020, for an early end to tenancy pursuant to section 56 of the *Residential Tenancy Act*.

The hearing of the Landlord's Application was scheduled for teleconference hearing at 9:30 a.m. on March 13, 2020. Only the Landlord called into the hearing.

As the Tenants did not call into the hearing, I considered service of the Landlord's Application materials. The Landlord testified that he served the Notice of Hearing, Application for Dispute Resolution and supporting evidence on the Tenants by posting to the rental unit door on February 21, 2020. The Landlord further testified that he slid another copy of the hearing package under the door to ensure the Tenants received the materials.

I accept the Landlord's evidence that the Tenants were served with the Notice of the Hearing and proceeded in their absence.

I have reviewed all oral and written evidence before me that met the requirements of the *Residential Tenancy Rules of Procedure*. However, not all details of the Landlord's submissions and or arguments are reproduced here; further, only the evidence specifically referenced by the Landlord and relevant to the issues and findings in this matter are described in this Decision.

Issue to be Decided

1. Is the Landlord entitled to an early end to tenancy?

Background and Evidence

The Landlord testified that the tenancy began October 1, 2019. Monthly rent is \$1,800.00 per month and the Tenants paid a \$900.00 security deposit.

The Landlord testified that the Tenants are unreasonably disturbing other occupants of the rental unit. He alleged they are dealing drugs from the rental unit, leaving the outside/security doors ajar to allow access to their guests, and allowing their pitbull dog to run in the hallways unleashed. The Landlord submitted letters from the Strata Council confirming these issues as well as the other resident's concerns.

The Landlord also testified that the police have attended the rental unit due to suspected drug activity, and that the day before the hearing a 21 year old male died of a drug overdose in the rental unit.

The Landlord also called S.L. as a witness. He confirmed he is on the strata and also provides part time security on site.

S.L. testified that he was aware of the concerns other residents have voiced about these Tenants. He stated that the residents are very concerned about security. The residents have complained that the Tenants are putting objects in the security doors to leave them open for access at all times of the day and night by their guests. The residents are concerned about third parties entering the rental unit.

S.L. also stated that the Tenants allow their pit bull to roam freely in the hallways. S.L. stated that while he has not observed the dog being aggressive, there is a bylaw that all dogs must be on leash. S.L. stated that he has been informed by other residents that the Tenants were also running up and down the hall with the dog and one resident was afraid to leave her unit. S.L. stated that the cleaner is also concerned about vacuuming in the hallway while the Tenants' dog is roaming freely.

S.L. also stated that the other residents allege the Tenants are dealing drugs out of the rental unit. They have reported people coming and going at all times of the day and the night. S.L. confirmed that he has also personally witnessed behaviour consistent with

drug dealing. For example, S.L. stated that on Sunday March 8, 2020 the Tenant, B.F., got into a car and went to the end of the block, retrieved a bag and brought it back to the rental unit. S.L. stated that an off-duty police officer also witnessed this .

S.L. further testified that the day before the hearing, March 12, 2020, at approximately 8:00 a.m. an unknown male, who appeared to be in his early 20's, was in the building at 8:00 a.m. and one of the residents spoke to the male and asked what they were doing there. The unknown male said he was trying to get to the second floor. This unknown male then left and the resident called the police. When the police attended, the unknown male was in the rental unit. He stated that he was a guest of the Tenant B.F.

Unfortunately, later that evening, at approximately 6:30 p.m. the police, fire department and ambulance attended as the unknown male overdosed on drugs in the rental unit. The ambulance and fire department attended, attempted CPR and administered Narcan but he passed away. S.L. confirmed that the resident who spoke to the unknown male at 8:00 a.m. was very distressed about this, as were the other residents.

S.L. stated that he was also informed by the attending police officer that on March 12, 2020, the police removed three bags of drugs and other items relating to drug manufacturing and distribution from the rental unit.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

Section 56 of the *Act* allows a tenancy to be ended early without waiting for the effective date of a one month notice to end tenancy if there is evidence that the tenant has breached their obligations under the tenancy agreement or *Act* and it would be unreasonable or unfair to wait for the effective date of a one month notice to end tenancy.

I accept the Landlord's undisputed evidence that the Tenants have unreasonably disturbed other occupants of the rental building. I am also satisfied, on a balance of probabilities that the Tenants have engaged in illegal activity, namely the production and distribution of illegal drugs, and this activity has adversely affected the quiet enjoyment, security, safety or physical well-being of other occupants of the residential property.

I accept the Landlord's evidence that the Tenant, B.F., was witnessed bringing drugs back to the rental unit by the police. I also accept S.L.'s testimony that he was informed by the police that three bags of drugs and related items were removed from the rental unit on March 12, 2020.

I am also satisfied, based on the Landlord's testimony as well as that of his witness, S.L., and the letters from the Strata Council, that the Tenants have allowed unknown persons to enter the rental unit by propping the exit doors open, thereby jeopardizing the safety and security of others in the rental unit.

Unfortunately, the Tenants' illegal behaviour culminated in the tragic loss of a young man's life at the rental unit on March 12, 2020. Undoubtedly this was very distressing for the resident who spoke to this young man in the early morning hours of March 12, 2020. I also expect it was very upsetting for other residents of the rental unit.

In all the circumstances, I find that the Landlord has established sufficient cause to end this tenancy. I also find it would be unreasonable to wait for a one month notice to end tenancy to take effect. I therefore grant the Landlord's application to end this tenancy early.

In furtherance of this my Decision, and pursuant to section 56 of the *Act*, I grant the Landlord an Order of Possession effective **immediately** after it is served upon the Tenants.

Should the Tenants fail to move from the rental unit as ordered, the Landlord may file the Order of Possession in the Supreme Court of British Columbia and obtain the services of a Bailiff to remove the Tenants from the rental unit. The Tenants are cautioned that any expenses incurred by the Landlord to enforce the Order of Possession may be recoverable from the Tenants.

Conclusion

The Landlord's application to end this tenancy early pursuant to section 56 of the *Act* is granted. The Landlord is granted an Order of Possession effective immediately upon 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: March 13, 2020

Residential Tenancy Branch