



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute codes ET

Introduction

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

- an order of possession for an early end to the tenancy pursuant to section 56;

The hearing was conducted by conference call. The tenant did not attend this hearing, although I waited until 9:50 a.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 9:30 a.m. The landlord attended the hearing and was given a full opportunity to provide affirmed testimony, to present evidence and to make submissions.

The landlord's husband V.Z. testified that on March 18, 2020, a copy of the Application for Dispute Resolution and Notice of Hearing was served to the tenant by posting to the door of the rental unit. Photos of the Notice taped to the door were submitted as proof of service as well as a witnessed proof of service form.

Based on the above evidence, I am satisfied that the tenant was deemed served with the Application for Dispute Resolution and Notice of Dispute Resolution Hearing pursuant to section 89 & 90 of the Act. The hearing proceeded in the absence of the tenant.

Issues

Is the landlord entitled to an order of possession for an early end to the tenancy?

Background & Evidence

The tenancy began February 1, 2020 and the monthly rent is \$2200.00 payable on the 1st day of each month.

The landlord's husband V.Z. represented the landlord in this hearing. The landlord's husband testified that on March 11, 2020 the tenant was arrested by the Vancouver Police Department from the rental unit. The police had a search warrant and kicked in the door of the rental unit as the tenant refused to open the door. V.Z. stated the tenant was arrested for possession of a restricted firearm without a license. V.Z. also referred to news paper article submitted as evidence depicting a past violent criminal record of the tenant.

Analysis

In accordance with section 56 of the Act, in receipt of a landlord's application to end a tenancy early and obtain an order of possession, an arbitrator may grant the application where the tenant or a person permitted on the property by the tenant has:

- significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property;
- seriously jeopardized the health and safety or a lawful right or interest of the landlord or another occupant;
- put the landlord's property in 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.

In addition to showing at least one of the above-noted causes, the landlord must also show why it would be unreasonable or unfair to the landlord to wait for a One Month Notice for cause to take effect.

I find the evidence supports a finding that on a balance of probabilities the tenant has put the landlord and the landlord's property in significant risk by possessing an illegal firearm in the rental unit. The tenant's arrest also resulted in significant damage to the landlord's property. In the circumstances I find it would be unreasonable, or unfair to the landlord to wait for a One Month Notice for cause to take effect.

Accordingly, I find that the landlord is entitled to an order for possession effective immediately after service on the tenant. This order may be filed in the Supreme Court and enforced as an Order of that Court.

Conclusion

I grant an Order of Possession to the landlord effective **immediately** after service of this Order on the tenant. Should the tenant fail to comply with this Order, this Order may be filed and enforced as an Order of 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: March 30, 2020

Residential Tenancy Branch