



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding VISIO DEVELOPMENTS LTD  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      ET, FFL

### Introduction

On July 14, 2020, 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 Landlords agent and the Tenants attended the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained. The parties were provided with an opportunity to ask questions about the hearing process. They were provided with the opportunity to present affirmed oral testimony and to make submissions during the hearing. The parties confirmed that they exchanged the documentary evidence before me.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

### Background

The Landlord and Tenants testified that the tenancy began on December 15, 2019, as is currently on a month to month basis. The parties testified that rent in the amount of \$1400.00 is due to be paid to the Landlord by the first day of each month. The parties testified that the Tenants paid a security deposit of \$610.00.

The Landlord testified that on May 25, 2020 the Tenant was involved in a drug transaction on the residential property. The Landlord testified that this behavior is illegal and presents a safety concern for other occupants of the property.

The Landlord provided a copy of a video recording showing the Tenant attend the front door of the building and meet with another male and exchanged something whereupon the Tenant re-entered the building.

When the Landlord was asked why she believes the transaction was drug related she replied that the caretaker informed her that the Tenant has a record of drug activity.

In reply, the Tenant, Mr. J.P. testified that he does not use drugs or buy drugs. He testified that his friend contacted him to borrow money and he met his friend at the door. The Tenant testified that he has no criminal record.

The Tenant testified that because of Covid they are behind on paying their rent and the Landlord is trying to find a reason to end their tenancy.

The Tenant Mr. D.P. testified that he has never seen any drug activity on the property and that the Landlords claims are unsubstantiated and a witch hunt.

The Landlord called a witness into the hearing, Mr. D.Y. who was asked if he has testimony regarding the allegations. Mr. D.Y. replied that the video recording is self-explanatory and that he saw another transaction the other night.

### Analysis

An application for an early end of tenancy under section 56 of the Act is reserved for situations where a Tenant poses an immediate and severe risk to the rental property, other occupants, or the Landlord. An application for an early end of tenancy is such that a Landlord does not have to follow the due process of ending a tenancy by issuing a notice to end tenancy which gives the Tenant the right to dispute the Notice by applying for dispute resolution.

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.

I have considered the testimony of the parties and I have reviewed the Landlord's video evidence.

I find that the video recording shows the Tenant meeting another person at the entrance door for a brief moment. The video recording does not show what was exchanged.

The Landlord needs to provide more than a suggestion that the Tenant is engaging in illegal behavior and must establish that the behavior presents an immediate and severe risk. I find that the Landlord has provided insufficient evidence that the Tenant engaged in a drug transaction and is presenting an immediate and severe risk to the rental property; other occupants; or the Landlord.

The Landlord's application for an early end of tenancy and an order of possession is dismissed.

### Conclusion

The Landlord applied for an early end of tenancy and an order of possession. The Landlord provided insufficient evidence that the Tenant poses an immediate and severe risk to the rental property, other occupants, or the Landlord.

The Landlord's application for an early end of tenancy and an order of possession is dismissed.

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 11, 2020

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Residential Tenancy Branch