



# 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 an Application for Dispute Resolution by the landlords for an order to end the tenancy and obtain an order of possession.

The landlords attended the hearing. As the tenant did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered.

The Residential Tenancy Branch Rules of Procedure states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The landlords testified the Application for Dispute Resolution and Notice of Hearing were served in person on the tenant on December 10, 2020. Filed in evidence is a proof of service, which show the service was witnessed.

I find that the tenant has been duly served in accordance with the Act.

### Issue to be Decided

Are the landlord's entitled to end the tenancy early and obtain an order of possession?

### Background and Evidence

The tenancy began on April 17, 2020. Rent in the amount of \$1,700.00 was payable on the first of each month. A security deposit of \$850.00 was paid by the tenant.

The landlords testified that the RCMP attended the rental unit in October 2020, due to noise complaints coming from the rental unit. The landlord stated they were not notified by the two other occupants until later as they were reluctant to come forward.

The landlords testified that since then they have received multi complaints of noise, yelling and screaming. The landlord stated that when they go to the rental unit to address the complaint the tenant's male guest is very confrontational.

The landlords testified that they spoke to the police who told them that they should not go to the rental unit as it was under surveillance for drug trafficking. The landlord stated on December 5, 2020, the police attended the property to execute a search warrant. The landlords stated that they were informed by the police officer that drugs were found. The landlords stated they are unaware if charges have been laid yet.

Filed in evidence is a copy of the search warrant for the said premise. The search warrant reads in part, "that there are reasonable grounds for believing that the following indictable offence Possession of a Controlled Substance for the Purpose of Trafficking, between November 25, 2020 and December 4, 2020 at ..."

The landlords testified that since then things have only escalated, and they have received multiple complaints of noise, yelling, and screaming. The landlords stated that they attended the premise on December 14 or 15, 2020, to deal with these complaints and that they required to be escorted by the RCMP as they were told they should not go unattended due to safety issues.

The landlords testified that at that time the RCMP asked the tenant if they were alone and the tenant informed the RCMP that they were. However, the tenant's male guest was found exiting the property, which clearly the tenant was lying to the police.

The landlords testified that they cannot continue the tenancy due to the illegal activity, and that it would be unfair for the other occupants to be subject to ongoing noise.

### 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 landlord to request an order of possession to end the tenancy on a date that is earlier than the tenancy would end if notice to end the tenancy were given under Section 47 (1 Month Notice to End Tenancy for Cause) if one or more of the following applies:

- a) The tenant or a person permitted on the residential property by the tenant has
  - i. Significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property,
  - ii. Seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant, or
  - iii. Put the landlord's property at significant risk;
  - iv. engaged in illegal activity that
    - a) Has caused or is likely to cause damage to the landlord's property,
    - b) 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
    - c) Has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord;
  - v. caused extraordinary damage to the rental unit or residential property;
- b) 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 am satisfied, based on the undisputed testimony and evidence provided by the landlords that the tenant has engaged in illegal activity that has adversely affected or is likely to adversely affect the quiet enjoyment security, safety of the other occupants. And has unreasonably disturbed other occupants.

In this case, the RCMP attended the rental unit in October 2020, due to unreasonable noise. The RCMP had the property under surveillance from November 25, 2020 to December 4, 2020 and believed that illegal drug activity was taking place. The RCMP attended the rental unit on December 5, 2020, to execute a search warrant for alleged drug activity, which drugs were said to be found.

Further, since then the tenant or their guest are continuing to disturb other occupants by unreasonable noise, and it is also unreasonable that the landlords require a police escort when they attend the premise to deal with these complaints. I am satisfied that it would be unfair and unreasonable to the landlord and the other occupants of the premise to have to wait for a notice to end the tenancy under section 47 to take effect.

I find the landlords are entitled to an order of possession, pursuant to **section 56** of the Act, effective **two days after service on the tenant**. This order must be served on the tenant. If the tenant fails to comply with this order the landlord may filed, the order with

the Supreme Court of British Columbia and be enforced as an order of that Court. The **tenant is cautioned** that costs of such enforcement are recoverable from the tenant.

### Conclusion

The landlords' application to end the tenancy early and obtain an order of possession is granted.

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 22, 2020

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Residential Tenancy Branch