



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Silver Star Limosine
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET

Introduction

This hearing was convened in response to an application by the Landlord for an early end to the tenancy and for an order of possession pursuant to section 56 of the *Residential Tenancy Act* (the “Act”).

The Landlord confirms that the only person named in the application who is a Tenant under the tenancy agreement is Tenant SG. The Landlord confirms that the other persons named in the application are occupants of the unit. The Tenant did not attend the hearing. I accept the Landlord’s evidence that the Tenant was served with the application for dispute resolution, notice of hearing and evidence (the “Materials”) by posting the Materials on the unit door on March 6, 2021 in accordance with Section 89 of the Act. The service was witnessed by a 3rd party. Section 90 of the Act provides that a document served in accordance with section 89 of the Act is deemed to be received if posted on the unit, on the 3rd day after it is posted. Given the evidence of registered mail I find that the Tenant is deemed to have received the Materials on March 9, 2021. The Landlord was given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Background and Evidence

The tenancy under written agreement started on September 1, 2020. Rent of \$2,500.00 is payable on the first day of each month. The unit is located on a commercial property that contains both the Landlord's limousine business and a 3rd party business in the yard.

On January 3, 2021 two occupants of the unit were in an argument and one of them got into a vehicle, drove towards the other person, and crashed through the gate of the property. The Landlord's property was damaged. On January 13, 2021 the Landlord discovered that three of its limousines had been broken into with several items stolen and leaving damage to the interior of the limousines. One of the occupants informed the Landlord that it was one of their guests who carried out the break-in. On January 15, 2021 the Landlord knew this guest had a warrant for its arrest and called the police about that guest being on the property. The guest was found and arrested. In the first week of February 2021, the 3rd party who operates its business on the same property witnessed one of the occupants of the unit chase another person with a pipe. This person had blood on its face. The 3rd party is now very concerned for its own safety. The Landlord believes that the occupants of the unit are using illegal drugs on the property as the Landlord saw what was believed to be a crack pipe on the ground near the door of the unit. One of the occupants speaking to the Landlord at the time confirmed that it was a pipe used for smoking meth. The Landlord provides photo and video evidence to support its testimony.

Analysis

Section 56(2) of the Act provides as follows:

The director may make an order specifying an earlier date on which a tenancy ends and the effective date of the order of possession only if satisfied, in the case of a landlord's application,

- (a) the tenant or a person permitted on the residential property by the tenant has done any of the following:

- (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;
- (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 residential property, and
- (b)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 [*landlord's notice: cause*] to take effect.

Given the Landlord's undisputed evidence of the illegal activities and violent behavior of the occupants and guests of the unit I find that that the Landlord has substantiated that the Tenant or persons permitted on the property by the Tenant has caused serious jeopardy to the health or safety or a lawful right or interest of the landlord or another occupant, has engaged in illegal activity that has caused damage to the Landlord's property and has jeopardized the lawful right or interest of the Landlord. On this same evidence I also find that it would be unfair for the Landlord to wait for a notice to end tenancy for cause to take effect. The Landlord is therefore entitled to an order of possession effective 2 days after service on the Tenant.

Conclusion

I grant an Order of Possession to the Landlord effective two days after its service on the Tenant. The Tenant must be served with this **Order of Possession**. Should the

Tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: March 18, 2021

Residential Tenancy Branch