



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Chilliwack Kiwanis Housing Society
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET, FF

Introduction

This hearing convened to deal with the landlord's application for dispute resolution under the Residential Tenancy Act (Act) made on April 14, 2021, for:

- an order ending the tenancy earlier than the tenancy would end if a notice to end the tenancy were given under section 47 of the Act; and
- recovery of the filing fee.

The landlord's agents and the tenant attended, the hearing process was explained, and they were given an opportunity to ask questions about the hearing process.

The tenant confirmed receiving the landlord's Application for Dispute Resolution, evidence, and Notice of Hearing (application package).

Thereafter both parties were provided the opportunity to present their evidence orally and to refer to relevant documentary evidence submitted prior to the hearing, and make submissions to me.

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

Preliminary and Procedural Matters-

The tenant called into the teleconference hearing after the hearing had begun and immediately said she wanted an advocate. The tenant also said she had been unable

to upload her own evidence. I interpret these statements by the tenant to be a request for an adjournment.

The tenant confirmed receiving the landlord's application package on April 27, 2021, and as such, I find the tenant had ample opportunity in advance of the hearing to arrange for an advocate to attend the hearing and to provide her evidence. I informed the tenant her request for an adjournment was being denied.

Additionally, the parties were informed at the start of the hearing that recording of the dispute resolution hearing is prohibited under the Rule 6.11. The parties were also informed that if any recording devices were being used, they were directed to immediately cease the recording of the hearing. In addition, both parties affirmed they were not recording the hearing. The parties did not have any questions about my direction pursuant to RTB Rule 6.11.

Additionally, it was necessary to place the tenant on the mute option of the teleconference hearing, due to sounds, such as grunting, and comments being made during the hearing. The tenant received repeated warnings about the noise, but it persisted. The tenant continued to listen to the landlord's testimony and was returned to the hearing for her testimony.

Issue(s) to be Decided

Is the landlord entitled to end this tenancy early without the requirement of a One Month Notice to End Tenancy?

Is the landlord entitled to an order of possession of the rental unit and to recover the filing fee?

Background and Evidence

The landlord's agent submitted that this tenancy began on January 1, 2019, for a monthly rent of \$550.

The landlord submitted that the residential property is a low-income family complex, meaning there are children of all ages living there. The tenant's lifestyle is not conducive for families, according to the landlord.

The landlord submitted that on March 19, 2021, a number of police cars came into the complex and executed search warrants at the tenant's rental unit. The RCMP were believed to have seized fentanyl and cocaine. The officers also impounded a vehicle, a motorcycle, cash, stolen goods, and drug paraphernalia. The tenant was arrested and taken to lock-up, according to the landlord.

The landlord submitted that this incident has left the complex feeling very uneasy.

The landlord explained that although he has heard of complaints during the tenancy, most tenants in the complex were afraid to come forward. However, this changed after the police incident, when he heard from a lot of residents concerned for their safety.

The landlord referred to their documentary evidence, which included news articles from a local news sources which referred to the arrests made at three homes, including the rental unit, as a "dismantling of an alleged fentanyl trafficking operation based in (*city name redacted for privacy*)". The news article goes on to say that officers believed the fentanyl and cocaine seized, along with cash and paraphernalia were consistent with the sale of illegal drugs.

The landlord submitted that although they have served the tenant with a One Month Notice to End Tenancy for Cause, they believe this matter was too urgent to wait for the effects of the Notice, due to the safety concerns for all residents.

Tenant's response –

The tenant said the police thought she ran a "store", but that was not the case. The tenant submitted that she is a recovering addict, does not take drugs, and, as a homeless advocate, she is trying to get drugs away from addicts.

The tenant said she only used medical marijuana and that is all the police found the night of the raid. The tenant denied the police seized drugs.

The tenant submitted that there are no charges currently pending against her. The tenant said that she works, goes to school, is a support worker and works the front-line.

Analysis

Based on the relevant oral and written evidence, and on a balance of probabilities, I find as follows:

In order to establish grounds to end the tenancy early under section 56 of the Act, the landlord must not only establish that they have cause to end the tenancy, but that it would be unreasonable or unfair to require the landlords to wait for a notice to end the tenancy under section 47 of the Act to take effect. Having reviewed the testimony and other evidence of the landlord, I find that the landlord has met that burden.

While the tenant denied there were drugs found in her rental unit, this was after much testimony. The tenant first started her testimony by saying the police thought she was running a “store”, but that was not the case as she was trying to get drugs away from people. I find a reasonable interpretation of her initial statements to confirm that she did have illegal drugs in her rental unit. I find her testimony was inconsistent, and therefore, not reliable.

In this case, I find the landlord submitted sufficient evidence to show that police officers raided the rental unit and found illegal drugs, paraphernalia, and cash. I found the local news sources describing the details of the raid to dismantle an alleged fentanyl trafficking operation and the description of the seized goods to be more reliable and credible than the tenant’s unsupported denials. I also considered the landlord’s testimony that they have been approached by many other tenants expressing concern for their safety since the night of the raid to be compelling.

While the tenant said she was being slandered by the local news reporters and that she would be “going after them”, she has not done so.

I find a reasonable person would be unreasonably disturbed about a police raid on the residential property, where drugs, cash, drug paraphernalia, and stolen goods are seized. I find this police raid would have a serious and negative impact on the residents and children living in the complex and that they should not be exposed to such police activity.

Due to the above, I therefore find that the landlord has proven that the tenant or a person permitted on the residential property by the tenant both significantly interfered with or unreasonably disturbed another occupant of the residential property and seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant.

I am also satisfied that it would be unreasonable and unfair to the landlord and other residents to wait for the One Month Notice to End Tenancy to take effect.

I therefore grant the landlord’s application to end this tenancy early.

Conclusion

The landlord's application is successful. I order that the tenancy ended this date, May 18, 2021.

The landlord is granted an order of possession effective two (2) days after service on the tenant.

The tenant is cautioned that should she fail to vacate the rental unit as ordered, she may be responsible for the costs of enforcement, **which include bailiff fees**.

I also grant the landlord a monetary order in the amount of \$100, due to their successful application.

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*. Pursuant to section 77 of the Act, a decision or an order is final and binding, except as otherwise provided in the Act.

Dated: May 18, 2021

Residential Tenancy Branch