



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FFL

Introduction

This hearing dealt with the Landlords' Application filed under the *Residential Tenancy Act* (the "Act") for an early end of tenancy pursuant to section 56 of the *Act* and to recover the cost of the filing for this application. The matter was set for a conference call.

Two Landlords and their translator (the "Landlords") attended the hearing and were affirmed to be truthful in their testimony. As the Tenants did not attend the hearing, service of the Notice of Dispute Resolution Hearing documentation was considered. Section 59 of the *Act* and 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 Landlord submitted a Proof of Service form into documentary evidence, indicating that they had served the Application for Dispute Resolution and Notice of Hearing to the Tenants by personal service on May 11, 2021. I find that the Tenants have been duly served in accordance with the *Act*.

The Landlords were provided with the opportunity to present their evidence orally and in written and documentary form and to make submissions at the hearing.

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.

Issues to be Decided

- Are the Landlords entitled to an early end of tenancy and an Order of Possession, under section 56 of the *Act*?
- Are the Landlords entitled to recover the filing fee for this application pursuant to section 72 of the *Act*?

Background and Evidence

The tenancy agreement recorded that the tenancy began on December 1, 2020, as a month-to-month tenancy. Rent in the amount of \$2,500.00 is to be paid by the first day of each month, and the Landlord is holding a \$500.00 security deposit for this tenancy. The Landlord submitted a copy of the tenancy agreement into documentary evidence.

The Landlord testified that they had received several complaints from neighbours that someone was selling drugs from the rental unit. The Landlord testified that the local police were informed of the complaints they had received.

The Landlord testified that on April 27, 2021, the local police department executed a search of the rental unit, locating illegal drugs and weapons. The Landlord testified that both the Tenants and two other people were arrested during the search of the rental unit. The Landlord submitted a copy of the attending police officer's card with the case file number and a video of a local news report of the police action into documentary evidence.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

Section 56 of the *Act* establishes the grounds whereby a landlord may make an application for dispute resolution to request an Early End to Tenancy and an Order of Possession on a date that is earlier than the tenancy would end if notice to end the tenancy were given under section 47 of the *Act* for a landlord's notice for cause.

In order to end a tenancy early and issue an Order of Possession under section 56, a landlord has the burden of proving that:

- There is sufficient cause to end the tenancy such as; unreasonably disturbed another occupant, seriously jeopardized the health, or safety, or a lawful right, or interest of the landlord, engaged in illegal activity, or put the landlord's property at significant risk; and
- That it would be unreasonable or unfair to the landlord or other occupants to wait for a one-month notice to end tenancy for cause under section 47 of the *Act* to take effect.

In this case, the Landlord has provided evidence from the local police department and local news station that the rental unit has been used as a location to sell illegal drugs by the Tenants or another occupant.

Taking into consideration the undisputed oral testimony of the Landlords and the documentary evidence that I have before me, I find that on a balance of probabilities, the Tenant has themselves or allowed another occupant to engaged in illegal activity that has adversely affected or is likely to adversely affect the quiet enjoyment, health, security, safety, or physical well-being of another occupant of the residential property and that the illegal activity has jeopardized a lawful right or interest of another occupant or the landlord.

I find that the Landlords have met the onus of proving their claim for an order ending the tenancy early and for an order of possession, pursuant to section 56 of the *Act*.

Therefore, I find it appropriate to end this tenancy as of the date of these proceedings and grant an Order of Possession to the Landlord pursuant to section 56 of the *Act*. I grant an Order of Possession to the Landlord effective two days after service of the order on the Tenants. Should the Tenants fail to comply with this Order, this order may be filed in the Supreme Court and enforced as an order of that Court.

Additionally, section 72 of the *Act* gives me the authority to order the repayment of a fee for an application for dispute resolution. As the Landlords have been successful in this application, I find that the Landlords are entitled to recover the \$100.00 filing fee paid for this application. I grant permission to the Landlords to keep \$100.00 from the security deposit for this tenancy in full satisfaction of this award.

Conclusion

I grant an **Order of Possession** to the Landlords effective **two days** after service of this Order on the Tenants. Should the Tenants fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

I grant permission to the Landlords to keep **\$100.00** from the security deposit for this tenancy, in full satisfaction of the award contained in this decision.

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: May 28, 2021

Residential Tenancy Branch