



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      ET

### Introduction

This hearing was convened as a result of the Landlord's Application for Dispute Resolution. The Landlord applied for an early end to the tenancy, pursuant to section 56 of the *Residential Tenancy Act* (the "Act").

One of the Landlords, G.P., attended the hearing. The Landlords also had an agent, G.C, present, as well as a police officer, D.B. However, the Tenants did not appear. All parties present provided affirmed testimony.

Given the Landlord applied for an expedited hearing, I take note of the following Orders by the Branch Director and the related Rules:

*Pursuant to sections 71(2)(a) and (c) of the RTA and sections 64(2)(a) and (c) of the MHPTA, the Director Orders that documents be served as follows for an expedited hearing:*

- 1. A party to an application for dispute resolution set down under Rule 10 of the rules of procedure for a hearing date that is between **six and 11** days after the date the application is made must serve their materials*
  - a. by leaving a copy with the person,*
  - b. if the person is a landlord, by leaving a copy with an agent of the landlord, or*
  - c. if the person is a tenant, by leaving a copy at the tenant's residence with an adult who apparently resides with the tenant.*
- 2. A party to an application for dispute resolution set down under Rule 10 of the rules of procedure for a hearing date that is between **12 and 16** days after the date the application is made must serve their materials*
  - a. by any method set out in paragraph 1 of this order,*
  - b. by attaching a copy to a door or other conspicuous place at the address at which the person resides, or*

*c. if the person is a landlord, by attaching a copy to a door or other conspicuous place at the address at which the person carries on business as a landlord.*

3. *A party to an application for dispute resolution set down under Rule 10 of the rules of procedure for a hearing date that is **17 days or more** after the date the application is made may serve their materials*

*a. by any method set out in paragraphs 1 and 2 of this order,*

*b. by sending a copy by registered mail to the address at which the person resides, or*

*c. if the person is a landlord, by sending a copy by registered mail to the address at which the person carries on business as a landlord.*

After reviewing this application, I note the application was made by the Landlord on June 3, 2021, which was 18 days before this hearing. As such, the Landlord was required to comply with the service requirements laid out in point 3 above.

The Landlord stated that they were not given a Notice of Hearing until June 11, 2021. Subsequently, the Landlord served the Notice of Hearing and evidence by posting it to the door on June 12, 2021. Pursuant to section 90 of the Act, I find the Tenants are deemed to have been served with their respective packages 3 days after they were posted on the door, June 15, 2021. I find the applicant sufficiently served the respondent and in accordance with the Rules for this type of hearing.

The Landlord was provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to 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.

#### Issue(s) to be Decided

- Does the Landlord have cause to end the tenancy early?

#### Background and Evidence

An agent for the Landlord attended the hearing and explained that the Tenants are known criminals and are a danger to the Landlords, who live above this basement suite, as well as a danger to the community. More specifically, the agent stated that the

Tenants are well known to police, and recently, there was a search warrant executed at this rental unit on June 2, 2021, which produced bags of illegal drugs, paraphernalia, and several guns. The agent stated that there has been a lot of drug/weapon trafficking through the rental unit, and there is a serious safety concern for all people on the property, especially the Landlords living upstairs.

The agent for the Landlord had a police officer attend the hearing to explain what has been going on with these Tenants, and the rental property. The officer explained that the Surrey RCMP is “very, very, familiar” with these Tenants due to drug and weapons related matters. The officer stated that over the last month and a half, they have been conducting frequent high visibility patrols of the area to try and monitor for suspected criminal activity. The officer noted that after a period of surveillance, and after seeing known criminals coming and going from the rental unit, the police executed a search warrant at the rental unit on June 2, 2021, under the *Controlled Drugs and Substances Act*.

The officer stated that he wanted to appear at this hearing because he feels the Tenants pose a significant safety risk to the Landlord’s upstairs, as well as to the community as a whole. The officer noted that they seized “numerous” illegal items under this warrant, although he could not specify what, given there are pending criminal charges against the Tenants. The officer noted that they have observed known criminals coming and going from the rental unit over the last couple of months.

The Landlord, G.P., stated that she was present on June 2, 2021, when the police executed their search warrant on this rental unit. G.P. stated that she observed the police remove bags of large guns, and drugs from the rental unit. G.P. provided photos taken at the time of the raid. The Landlord stated she is fearful for her safety.

The agent for the Landlord explained that the Tenants have changed the lock on the door, put up surveillance cameras, and are using the rental unit for nefarious purposes.

### Analysis

An early end of tenancy is an expedited and unusual remedy under the Act and is only available to the landlord when the circumstances of a tenancy are such that it is unreasonable or unfair to a landlord or other residents to wait for a notice to end tenancy to take effect, such as a notice given under Section 47 of the Act for cause. Therefore, in this case the Landlord bears a strict burden to prove with sufficient evidence that the tenancy should end early Section 56 of the Act.

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, there is sufficient cause; 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 carefully considered the undisputed evidence before me and I find the Tenants' behaviour is significant and severe enough as to warrant an early end to the tenancy, pursuant to section 56 of the Act. I accept the undisputed evidence and testimony showing that the Tenants are engaging in illegal activities which are a serious safety concern for the Landlords, who live upstairs. The evidence and testimony provided demonstrates that the Tenants are in possession of dangerous and/or illegal weapons and drugs, and I accept this activity is an immediate and severe safety concern for the Landlords. As such, I find the Landlords are entitled to an order of possession.

As the Landlords' application was successful, and pursuant to section 72 of the Act I grant the landlords the recovery of the cost of the filing fee in the amount of **\$100.00**. I **authorize** the landlord to retain \$100.00 from the tenants' security/pet deposit (\$1,450.00 held in total) in full satisfaction of the recovery of the cost of the filing fee.

### Conclusion

The Landlords have met the burden to prove the tenancy should end early.

The Landlords are granted an order of possession effective **two days after service** on the Tenants. This order must be served on the Tenants. If the Tenants fail to comply with this order the Landlord may file the order with the Supreme Court of British Columbia and be 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 *Residential Tenancy Act*.

Dated: June 21, 2021

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Residential Tenancy Branch