



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FFL

Introduction

On July 12, 2021, the Landlord submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (“the Act”) for an early end of tenancy. The matter was scheduled as teleconference hearing.

This matter was set for hearing by telephone conference call at 1:30 pm on this date. The Landlord attended the hearing; however, the Tenant did not. The line remained open while the phone system was monitored for fifteen minutes and the Tenant did not call into the hearing during this time.

The Landlord provided affirmed testimony that the Tenant was served with the Notice of Dispute Resolution Proceeding by registered mail sent on July 28, 2021. The Landlord provided a copy of the registered mail receipt as proof of service. The Landlord testified that he sent the registered mail to the Tenant’s address.

I find that the Tenant was served with notice of the hearing in accordance with sections 89 and 90 of the Act. The hearing proceeded.

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

Issues to be Decided

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

Background and Evidence

The Landlord testified that the tenancy began on January 1, 2021, on a month-to-month basis. Rent in the amount of \$1,450.00 is to be paid to the Landlord by the first day of each month.

The Landlord testified that the Tenant and her guests are drug users and are responsible for leaving used hyper dermic needles on the common areas of the rental property. The Landlord testified that the Tenant's behavior and drug use and disposal of needles are putting other occupants of the rental property at significant risk.

The Landlord provided two written statements from other occupants of the rental property which indicate that the Tenant and her guests are using drugs on the rental property and have left their used hypodermic needles (about a dozen or so) on the common property. A photograph of the used hypodermic needles on the ground was provided.

One statement indicates that the Tenant's guest banged on the other occupants door and was later found sleeping on the back porch next to a hypodermic needle. The Occupant writes that they asked the person if they needed medical attention and they replied by asking if the occupant had any drugs.

The Landlord testified that in April 2021 there were many incidents of screaming and loud fighting coming from the Tenant's rental unit and that the police were called to attend.

The Landlord seeks an early end to the tenancy and requests an immediate order of possession.

Analysis

Residential Tenancy Branch Policy Guideline #51 Expedited Hearings provides the following information:

Applications to end a tenancy early are for very serious breaches only and require sufficient supporting evidence. The landlord must provide sufficient evidence to prove the tenant or their guest committed the serious breach, and the director must also be satisfied that it would be unreasonable or unfair to the landlord or other occupants of the property or park to wait for a Notice to End Tenancy for cause to take effect (at least one month). Without sufficient evidence the arbitrator will dismiss the application.

Section 56 of the Act states that a Landlord may make an application for dispute resolution to request an order to end a tenancy on a date that is earlier than the tenancy would end if notice to end the tenancy were given under section 47 and granting the Landlord an order of possession in respect of the rental unit. If an order is made under this section, it is unnecessary for the Landlord to give the Tenant a notice to end the tenancy.

Under section 56 of the Act, the director may end a tenancy and issue an order of possession only if satisfied, in the case of a Landlord's application, the Tenant or a

person permitted on the residential property by the Tenant has done any of the following:

- significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property;
- seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant;
- put the landlord's property at significant risk;
- engaged in illegal activity that has caused or is likely to cause damage to the landlord's property,
- 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
- has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord;
- caused extraordinary damage to the residential property, 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.

Based on the evidence above, the testimony of the Landlord, and on a balance of probabilities, I find that the Tenant is responsible for her own actions, and the actions of her guests while on the rental property. I find that it is more likely than not the Tenant has been using drugs on the rental property and is carelessly leaving the hypodermic needles on the common areas of the property. I find that the Tenant 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 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.

Therefore, I am ordering that the tenancy will end immediately.

I find that the Landlord is entitled to an order of possession, effective two (2) days after service on the Tenant pursuant to section 56 of the Act. This order may be filed in the Supreme Court and enforced as an order of that Court. The Tenant is cautioned that costs of such enforcement are recoverable from the Tenant.

Section 72 of the Act gives me authority to order the repayment of a fee for an application for dispute resolution. I order the Tenant to repay the \$100.00 fee that the Landlord paid to make application for dispute resolution. The Landlord is granted a monetary order for \$100.00.

Conclusion

The Tenant 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, 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.

The tenancy is ending immediately.

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

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: August 17, 2021

Residential Tenancy Branch