



# Dispute Resolution Services

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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").

The Landlord was represented at the hearing by two agents. Both agents provided affirmed testimony. However, the Tenants did not appear. The Landlords stated that they served the Tenants each with the Notice of Hearing and evidence on November 23, 2021, by posting a copy to the front door. Proof of service was provided. Pursuant to section 89 and 90 of the Act, I find the Tenants are deemed to have been served with this package 3 days after it was posted, on November 26, 2021.

The Landlords were 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

The Landlords stated that the Tenants have been observed selling drugs by other Tenants in the building. The Landlords stated that on November 9, 2021, the Tenants were reported to police. In the morning of November 9, 2021, the police attended the

rental unit, and located drugs, guns, and drug trafficking paraphernalia. The Landlords stated that the police detained the Tenants immediately, and held them in custody for a few hours while a search warrant was obtained and executed in the afternoon of November 9, 2021. The Landlords explained that when the police raided the rental unit, they found drugs, guns, and large amounts of cash. The Landlords provided snapshots of video surveillance from the time of the incident, showing the confiscation of the items. The Landlords explained that the Tenants have since been released, pending criminal charges, and are back living in the rental unit.

The Landlords stated that there are other elderly Tenants in the building, and children, who are at an extreme risk, due to the type of activity going on next to them. The Landlord stated the Tenants have also changed the locks and are refusing to allow the Landlord access to the unit, or to pay rent. The Landlords provided a letter from the police inspector who confirmed what occurred, and when.

The Landlords stated that the Tenants have also threatened others in the building with violence.

### 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 find the Tenants' verbal threats, combined with the high risk criminal activity poses an immediate and severe risk to other occupants and the Landlord/property. As such, I find the Landlords are entitled to an order of possession.

As the Landlord's application was successful, and pursuant to section 72 of the Act I grant the landlord 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 deposit (\$550.00 held as per the tenancy agreement) in full satisfaction of the recovery of the cost of the filing fee.

### Conclusion

The Landlord has met the burden to prove the tenancy should end early.

The Landlord is granted an order of possession effective **two days after service** on the Tenant. This order must be served on the Tenant. If the Tenant fails 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: December 17, 2021

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Residential Tenancy Branch