



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ET, FT

### Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord to end the tenancy early and obtain an order of possession, and to recover the cost of the filing fee.

The landlord attended the hearing. As the tenant did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered.

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 testified the Application for Dispute Resolution and Notice of Hearing were served on the tenant in person on March 15, 2022. Filed in evidence is a proof of service showing the service of documents was witnessed. I find the tenant was served in accordance with section 89 of the Act.

### Issue(s) to be Decided

Is the landlord entitled to end the tenancy early and obtain an order of possession?

### Background and Evidence

The tenancy commenced on February 1, 2022. Rent in the amount of \$3,300.00 is payable on the first day of each month. The tenant paid a security deposit of \$1,650.00.

The landlord testified that on February 10, 2022, the police attended the property and executed a search warrant for drug trafficking in the premises. The landlord stated that

fentanyl, cocaine, methamphetamines and prescription drugs were seized along with \$20,000.00 in cash.

The landlord testified that the tenant has changed the lock, and when they were able to access the premises there was lots of damage to the property. The landlord stated that the tenant has so many people in the rental unit, who are not on the lease.

Filed in evidence is a letter from the neighbour, is documents from the police, a news article of the drugs, and cash seized from the premises, photographs of damage and an assessment report from the landlord's insurance company, which states vandalism..

### Analysis

Section 56 of the *Act* allows a landlord to request an order of possession to end the tenancy on a date that is earlier than the tenancy would end if notice to end the tenancy were given under Section 47 (1 Month Notice to End Tenancy for Cause) if one or more of the following applies:

- a) The tenant or a person permitted on the residential property by the tenant has
  - i. Significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property,
  - ii. Seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant, or
  - iii. Put the landlord's property at significant risk;
  - iv. engaged in illegal activity that
    - a) Has caused or is likely to cause damage to the landlord's property,
    - b) 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
    - c) Has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord;
  - v. caused extraordinary damage to the rental unit or residential property;
- b) 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 am satisfied, based on the testimony and evidence provided by the landlord, that the tenant has put the landlord's property at significant risk and has engaged in illegal activity that has caused damage to the landlord's property. The tenant had only moved into the premises on February 1, 2022, and then 10 days later the property was

searched for drug trafficking, which drugs and a large amount of cash was found and seized by the police.

I also find the landlord has established, by their undisputed testimony, that the tenant's have caused significant damage to the premises as outline by the landlord's insurance company, I find it would be unreasonable and unfair to the landlord to wait for a notice to end tenancy under Section 47 of the Act to take effect.

I find the landlord is entitled to recover the cost of the filing fee of \$100.00 from the tenant. I authorize the landlord to keep this award from the tenant's security deposit.

### Conclusion

I find the landlord is entitled to 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. The **tenant is cautioned** that costs of such enforcement are recoverable from 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: March 25, 2022

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Residential Tenancy Branch