



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ET, FFL

### Introduction

Pursuant to section 58 of the *Residential Tenancy Act* (the Act), I was designated to hear an application regarding a tenancy. In this application for dispute resolution, the Landlord applied on March 8, 2022 to end a tenancy early, pursuant to section 56 of the Act.

The hearing teleconference was attended by the Landlord and her witnesses; the Tenants did not attend the hearing. The Landlord was given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses. Those in attendance were affirmed and made aware of Residential Tenancy Branch Rule of Procedure 6.11 prohibiting recording dispute resolution hearings.

The Landlord testified she served the Notice of Dispute Resolution Proceeding (NDRP) and her evidence on one of the Tenants by posting it to the door on March 10, 2022, and served the same documents on each of the other two Tenants in person on the same day. The Landlord submitted as evidence proof of service forms.

The Landlord testified she served the corrected NDRP on Tenant RR in person on March 22, 2022, and served the NDRP on each of the other two Tenants by posting it to the door on the same day. The Landlord submitted as evidence proof of service forms and a photo of the two NDRPs posted to the door. I find the Tenants were sufficiently served for the purposes of the Act, pursuant to section 71 of the Act.

### Issues to be Decided

- 1) Is the Landlord entitled to an early end of tenancy and an order of possession?
- 2) Is the Landlord entitled to the filing fee?

### Background and Evidence

The Landlord provided the following particulars regarding the tenancy. It began on September 15, 2021; rent is \$1,800.00, due on the first of the month; and the Tenants did not pay a security deposit.

The Landlord testified that the rental property is part of a duplex, and that twice in the last month, when tenants from the other half of the duplex went to the back of the property, people visiting the subject Tenants tried to hit them with bats.

The Landlord testified that a tenant on the other side of the duplex informed her that he has been asked if he has drugs to sell, and that every second day someone is stopping at the house to buy drugs; the Landlord testified that she has also been told the same thing by neighbours.

An RCMP corporal, providing witness testimony, confirmed that the activity in the rental unit includes drug trafficking, and stated that the activity in the unit is putting the public at risk. The corporal testified that the RCMP has received complaints for a few months about vehicles leaving the area at a high rate of speed.

The Landlord testified that about three weeks ago, the RCMP contacted her, stating that someone who had been at the Tenant's property to buy drugs had rammed a police car while trying to evade police. The corporal's testimony confirmed the Landlord's; the corporal also submitted that the driver, wanted on an outstanding warrant and seen by police exiting the rental property, had intentionally rammed a police vehicle in an attempt to flee, and managed to do so at a high rate of speed.

The corporal testified that on January 21, 2022, RCMP received a call about a person hiding in the bushes of the rental property, wearing what looked like a bulletproof vest and holding a firearm.

The Landlord submitted as evidence a March 1, 2022 letter she received from the same RCMP corporal; it includes the following:

- "Numerous persons known to police to be in the local drug and property crimes trades have been observed coming and going from the residence."
- "The activity at this home puts people living in this neighbourhood in extreme danger, and at risk of serious violence."

- Referring to the January 21, 2022 report of a person seen on the property with a firearm and wearing what looked like a bulletproof vest, the letter states: “I can not [sic] state whether this is associated to the ongoing gang violence in the [area], but the activity at this location is consistent. Police are familiar with the occupants of this suite, and believe that the public in the direct area are in great danger as long as they continue to reside in this home.”

The Landlord also testified that there are now broken windows in the rental unit, and submitted a photo as evidence; she also testified that all of the doors inside the rental unit are broken.

### Analysis

Section 56 of the Act establishes the grounds whereby a landlord may make an application for dispute resolution to request (1) an early end to tenancy, and (2) 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.

When seeking to end a tenancy early and obtain an order of possession under section 56, a landlord has the burden of proving, for example, that a tenant or a person permitted on the residential property by the tenant has:

- 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;
- engaged in illegal activity that 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 to wait for a One Month Notice to End Tenancy for Cause under section 47 of the Act to take effect.

The Landlord has provided affirmed undisputed testimony that twice in the last month, when tenants from the other half of the duplex have gone to the back of the property, people visiting the subject Tenants have tried to hit them with bats. She has also testified that people are frequently visiting the rental property to buy drugs.

The RCMP corporal has provided affirmed undisputed testimony stating there is drug trafficking occurring in the unit, and that the activities of the Tenants, and those they allow on the property, put others living in the area in extreme danger and risk of serious violence. Given that the tenants of the other half of the rental property live in very close proximity to the subject rental unit, they too are exposed to this risk.

Based on the evidence before me, and on a balance of probabilities, I find that in accordance with section 56 of the Act, the Tenants have 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, and engaged in illegal activity that 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, I find it would be unreasonable or unfair to the Landlord or the other occupants to wait for a One Month Notice to End Tenancy for Cause under section 47 of the Act to take effect.

Therefore, I find the Landlord is entitled to an early end of tenancy and an order of possession.

Section 72 of the Act gives me the authority to order the repayment of a fee for an application for dispute resolution. As the Landlord is successful in her application, I order the Tenants to pay the \$100.00 filing fee the Landlord paid to apply for dispute resolution.

### Conclusion

The Landlord's application is granted.

The Landlord is granted an order of possession which will be effective two days after it is served on the Tenants.

The Landlord is granted a monetary order in the amount of \$100.00 in recovery of the filing fee.

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 30, 2022

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Residential Tenancy Branch