



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding LANGLEY SENIOR CITIZENS HOUSING SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: ET

Introduction

This application was brought by the landlord seeking an Order of Possession without Notice. However, the landlord's agent explained that on June 20, 2014, they had also served the tenant with a One Month Notice to End Tenancy for Cause effective July 31, 2014, that the tenant did not dispute and the tenant had verbally agreed to vacate in accordance with the Notice.

Accordingly, the landlord's application is amended to indicate that the landlord seeks an Order of Possession also based on the undisputed One Month Notice to End Tenancy for Cause.

The applicant landlord appeared. Although served with the Application for Dispute Resolution and Notice of Hearing in person on July 10, 2014, the tenant failed to appear.

Issue(s) to be Decided

- Is the landlord entitled to an Order of Possession terminating the tenancy without Notice, or in the alternative, based on the undisputed One Month Notice to End Tenancy for Cause?

Background and Evidence

The landlord testified that the tenant's drug addiction has caused a disruptive and potentially dangerous environment in the complex. The landlord pointed out that the tenant has been subleasing her unit to fund her addiction and engaging in conduct that places the property and residents at risk.

According to the landlord, they already served a One Month Notice to End Tenancy for Cause that takes effect on July 31, 2014 and this Notice was not disputed by the tenant.

The landlord is seeking an order of possession without Notice under section 56 or, in the alternative, an Order of Possession based on the One Month Notice to End Tenancy for Cause.

Analysis

Section 56(1) of the Act permits a landlord to terminate a tenancy without Notice in some specific circumstances. A landlord may make an application for dispute resolution to request an order

- (a) ending a tenancy on a date that is earlier than the tenancy would end if notice to end the tenancy were given under section 47 [*landlord's notice: cause*], and
- (b) granting the landlord an order of possession in respect of the rental unit.

Section 56(2) gives the criteria under which the arbitrator may make the above order. Before issuing an Order ending the Tenancy under section 56 to the Act an arbitrator must be satisfied under section 56(2) that both subsections a) and b) of the following has been proven:

(a) the tenant or a person permitted on the residential property by the tenant has done any of the following:

- (i) significantly interfered with, or unreasonably disturbed, another occupant or the landlord of the residential property;
- (ii) seriously jeopardized the health, safety or a lawful right or interest of the landlord or another occupant;
- (iii) put the landlord's property at significant risk;
- (iv) engaged in illegal activity that
 - (A) caused or is likely to cause damage to the landlord's property,
 - (B) 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) jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord;
- (v) caused extraordinary damage to the residential property, and

AND

(b) 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 [landlord's notice: cause] to take effect. (My emphasis).

(3) If an order is made under this section, it is unnecessary for the landlord to give the tenant a notice to end the tenancy.

Based on the uncontested evidence and the testimony of the landlord, I accept that the landlord is entitled to an Order of Possession without Notice because the actions of the tenant genuinely do place the landlord's property and the other residents in the complex at risk. I find that this satisfies the above criteria under section 56 to terminate the tenancy without Notice.

I need not determine whether or not it would be unreasonable or unfair to the landlord to wait for the One Month Notice to End Tenancy for Cause to take effect because the effective date of that undisputed Notice is July 31, 2014.

I hereby issue an Order of Possession in favour of the landlord effective two days after the order is served on the tenant. This order must be served on the Respondent and may be filed in the Supreme Court and enforced as an order of that Court.

Conclusion

The landlord is successful in the application and is granted an Order of Possession.

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: July 31, 2014

Residential Tenancy Branch

