



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ET, FFL

### Introduction

On March 25, 2021, the Landlords submitted an Application for Dispute Resolution under the *Residential Tenancy Act* ("the Act") seeking an early end of tenancy and an order of possession for a rental unit. The matter was scheduled as teleconference hearing. The Landlords attended the hearing; however, the Tenant did not. The Landlords had a police officer and a bylaw officer in attendance to provide witness testimony.

The Landlords testified that the Tenant was served with the Notice of Dispute Resolution Proceeding in person on March 29, 2021 with police in attendance. The Landlords provided a proof of service document in support of their testimony.

I find that the Tenant was served with notice of the hearing in accordance with sections 89 and 90 of the Act. The Tenant failed to attend the hearing to respond to the Landlords' application. The hearing proceeded.

The Landlords were provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions at the hearing.

### Issue to be Decided

- Do the Landlords have sufficient cause to end the tenancy early and receive an order of possession?

### Background and Evidence

The Landlords testified that the tenancy began on September 1, 2017 and is on a month to month basis. Rent in the amount of \$2,850.00 is to be paid to the Landlord by the first day of each month. The Tenant paid a security deposit of \$1,425.00 to the Landlords.

The Landlords testified that the Tenant is actively selling drugs from the residential property. The Landlords testified that there have been numerous complaints made from neighbors of the rental property about this problematic behaviour. The Landlord testified that the police have been frequently attending the rental property. The Landlord stated that a guest of the Tenant was involved in a vehicle chase from the property and that guns, drugs and cash were found on the rental property.

The Landlords witness, Mr. B.K. testified that he is a police officer and that there have been 72 police investigations regarding concerns of criminal behaviour at the rental property since 2020. He stated that police were investigating a vehicle registered to the rental property when the vehicle and occupant fled the rental property and rammed a police car. Mr. B.K. stated that the residential area is heavily populated and contains many parks and schools.

Mr. B.K. testified that on March 16, 2021 a search warrant was served on the rental property and police seized \$20,000 in cash, a firearm, and illegal drugs.

The Landlords received a letter dated March 25, 2021 from the Police indicating that the City is looking at designating the residential property as a nuisance property which will be subject to abatement fees for calls for service.

The Landlords are seeking to have the tenancy ended immediately and receive an order of possession for the property.

### Analysis

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, or a person permitted on the property by the Tenant, has engaged in illegal behaviour that puts the Landlord's property at significant risk.

I find that it would be unreasonable, or unfair to the Landlord 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 one day 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.

### Conclusion

The Tenant is responsible for illegal behaviour at the residential property that has put the Landlords' property at significant risk, and it would be unreasonable, or unfair to the Landlord 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 one (1) day 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: April 27, 2021

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Residential Tenancy Branch