



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ATIRA PROPERTY MANAGEMENT
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

Introduction

The tenant applies to cancel a one month Notice to End Tenancy served August 14, 2013. The Notice alleges that the tenant or someone permitted on the property by him has “seriously jeopardized the health or safety or lawful right of another occupant or the landlord” or that the tenant has engaged in illegal activity that has, or is likely to “adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord.”

Proof of either ground is a permitted reason for eviction under s.47 of the *Residential Tenancy Act*.

Issue(s) to be Decided

Does the relevant evidence presented at hearing show on a balance of probabilities that the tenant has given cause for eviction?

Background and Evidence

The rental unit is an “SRO” or single-room-occupancy accommodation. The tenancy started on March 1, 2013. The monthly rent is \$375.00. The landlord holds a \$187.50 security deposit.

The landlord’s representative provided a video clip from a camera mounted in hallway of the tenant’s building. The video clip shows that on August 13, 2013 a small woman, another occupant of the building, was standing in the hallway outside the tenant’s door looking into the tenant’s room. There is no sound associated with the video. I accept the tenant’s evidence that the woman was asking him for money. She can be seen to stand at the tenant’s door for about forty seconds when suddenly she begins to step backward. The tenant emerges from his room and, with both hands, gives the woman a

quick and heavy shove on her chest or shoulders. She is seen to stumble backward into the hallway wall and then fall into a doorway and to the floor. The tenant appears to attempt to pull her up but leaves her and goes back to his room.

Analysis

The tenant argues that he did not shove the small woman but merely tried to catch her as she fell backwards. That is clearly not what the video shows. I have little hesitation in finding that the tenant intentionally assaulted the woman and that in doing so he seriously jeopardized her health or safety.

I uphold the one month Notice. It was justified.

The landlord requests an order of possession pursuant to s. 55 of the *Act* effective October 31.

Conclusion

The tenant's application is dismissed. The landlord will have an order of possession effective at one o'clock in the afternoon on October 31, 2013.

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: October 10, 2013

Residential Tenancy Branch

