



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 1963 Investments Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

ET and FF

Introduction

This hearing was convened in response to the Landlord's Application for Dispute Resolution, in which the Landlord applied to end the tenancy early, for an Order of Possession, and to recover the fee for filing this Application for Dispute Resolution.

The female Agent for the Landlord stated that on July 22, 2015 the Application for Dispute Resolution, the Notice of Hearing, and evidence submitted to the Residential Tenancy Branch were sent to the Tenant at the rental unit, via registered mail. The Landlord submitted Canada Post documentation that corroborates this statement. In the absence of evidence to the contrary, I find that these documents have been served in accordance with section 89 of the *Residential Tenancy Act (Act)*; however the Tenant did not appear at the hearing.

Issue(s) to be Decided

Is the Landlord entitled to end this tenancy early and to an Order of Possession on the basis that the tenancy is ending early, pursuant to section 56(1) of the *Act*?

Background and Evidence

The male Agent for the Landlord stated that the Landlord wishes to end this tenancy early as the Tenant assaulted another occupant of the residential complex. He stated:

- on June 27, 2015 an agent for the Landlord received a telephone phone call regarding an assault that had just occurred in the residential complex;
- an agent for the Landlord reviewed video surveillance and determined that an assault had occurred;
- an agent for the Landlord reported the incident to the police;
- the video surveillance indicates that the victim of the assault, who is an occupant of the residential complex, was walking away from the Tenant when the Tenant punched him several times;
- the victim of the assault was transported to the hospital by ambulance;

- the victim of the assault sustained significant injuries and was hospitalized for “a few days”;
- he was present when the police arrested the Tenant;
- the arresting officer told him that the Tenant would be charged with assault and would be prohibited from returning to the residential complex; and
- the victim informed him that the Tenant had a court order prohibiting from attending the residential complex.

Analysis

Section 56(1) of the *Act* stipulates that a landlord can apply for an order that ends the tenancy on a date that is earlier than the tenancy would end if a notice to end tenancy were given under section 47 of the *Act* and he may apply for an Order of Possession for the rental unit. Section 56(2)(a) of the *Act* authorizes me to end the tenancy early and to grant an Order of Possession in any of the following circumstances:

- The 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
- The tenant or a person permitted on the residential property by the tenant has seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant
- The tenant or a person permitted on the residential property by the tenant has put the landlord's property at significant risk
- The tenant or a person permitted on the residential property by the tenant has engaged in illegal activity that has caused or is likely to cause damage to the landlord's property
- The tenant or a person permitted on the residential property by the tenant has 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
- The tenant or a person permitted on the residential property by the tenant has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord
- The tenant or a person permitted on the residential property by the tenant has caused extraordinary damage to the residential property.

Section 56(2)(b) of the *Act* authorizes me to grant an Order of Possession in these circumstances only if 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.

On the basis of the undisputed evidence, I find that the Tenant seriously jeopardized the health or safety or a lawful right or interest of another occupant of the residential

complex on June 27, 2015 when he assaulted the occupant, inflicting significant physical injury. Given the level of violence and the potential for further violence if the Tenant was to return to the rental unit, I find that it would be unreasonable to wait for a notice to end the tenancy under section 47 of the *Act* to take effect.

I therefore grant the application to end the tenancy early and the application for an Order of Possession.

I find that the Landlord's Application for Dispute Resolution has merit and that the Landlord is entitled to recover the fee for filing this Application for Dispute Resolution.

Conclusion

I grant the Landlord an Order of Possession that is effective immediately. This Order may be served on the Tenant, filed with the Supreme Court of British Columbia. and enforced as an Order of that Court.

The Landlord has established a monetary claim, in the amount of \$50.00, in compensation for the filing fee paid by the Landlord for this Application for Dispute Resolution and I grant the Landlord a monetary Order in that amount. In the event that the Tenant does not comply with this Order, it may be served on the Tenant, filed with the Province of British Columbia Small Claims Court and enforced by that Court.

Dated: August 19, 2015

Residential Tenancy Branch

