



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding COAST FOUNDATION SOCIETY (1974)
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (the Act) for an order to end the tenancy early due to health or safety reasons under section 56 of the Act and receive an order of possession.

Two landlord agents KO and JP (agents) attended the teleconference hearing and gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me. The hearing process was explained and an opportunity to ask questions was provided to the agents. Words utilizing the singular shall also include the plural and vice versa where the context requires.

The agents confirmed that the Notice of Dispute Resolution Proceeding document dated June 2, 2020 (Notice of Hearing), application, documentary and digital evidence on USB thumb drive) was served on the tenant by posting to the tenant's door on June 3, 2020. In addition, the agents testified that all documents were also served on the tenant's support worker team by email. The tenant did not attend the hearing and based on section 90 of the Act, I deem the tenant served as of June 6, 2020 with the required documents posted to the tenant's door and by email. As the tenant did not attend the hearing, I consider this matter to be undisputed by the tenant.

Preliminary and Procedural Matter

The agents confirmed their email addresses at the outset of the hearing and stated that they understood that the decision and any applicable orders would be emailed to them. As the landlord did not have an email address directly for the tenant, the decision will be sent by regular mail to the tenant.

Issue to be Decided

- Is the landlord entitled to end the tenancy early and obtain an order of possession of health or safety reasons under section 56 of the Act?

Background and Evidence

The landlord presented two videos dated May 27, 2020 and January 22, 2020, both of which show the tenant assaulted other occupants of the rental building. In the May 27, 2020 video, the agents stated, and the video supports that the tenant approached aggressively and assaulted another female occupant with both parties falling to the ground. In the second video dated January 22, 2020, the agents stated, and the video supports that the tenant approached another occupant who was using a walker and that the tenant aggressively approached and then assaulted the occupant causing the occupant using the walker to fall as well as the tenant.

Analysis

Based on the undisputed testimony and evidence before me provided during the hearing, and on a balance of probabilities, I find and I am satisfied that the tenant has seriously jeopardized the health or safety or a lawful right or interest of other occupants and has committed two illegal acts, 2 assaults, against other occupants, with one of those victims using a walker and falling to the ground.

Section 56 of the Act applies and states:

Application for order ending tenancy early

56(1) 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.

(2) The director may make an order specifying an earlier date on which a tenancy ends and the effective date of the order of possession only if satisfied, in the case of a landlord's application,

(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 or 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) has caused or is likely to cause damage to the landlord's property,

(B) **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

(C) has 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

(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.

(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.

[Emphasis added]

I am also satisfied that it would be unreasonable and unfair to the landlord and other occupants of the rental building given the two assaults, to wait for a notice to end tenancy under section 47 of the Act. I find the actions of the tenant and the documentary evidence before me to support that the tenant assaulted two other occupants, with one of those occupants using a walker and I find that violence such as assault is not reasonable during a tenancy. Therefore, pursuant to section 56 of the Act, I grant the landlord an order of possession for the rental unit effective not later than **two (2) days** after on the tenant. I find the tenancy ended the date of this hearing, June 26, 2020 pursuant to section 62(3) of the Act.

Conclusion

The landlord's application is successful.

The tenancy ended this date, June 26, 2020.

The landlord is granted an order of possession effective two (2) days after service on the tenant.

This decision will be emailed to the landlord and sent by regular mail to the tenant. The order of possession will be emailed to the landlord for service on the tenant. This order may be enforced through the Supreme Court of British Columbia.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Act*. Pursuant to section 77 of the *Act*, a decision or an order is final and binding, except as otherwise provided in the *Act*.

Dated: June 26, 2020

Residential Tenancy Branch