



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding RAINCITY HOUSING AND SUPPORT SOCIETY
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 and receive an order of possession due to health or safety reasons under section 56 of the Act.

Two agents for the landlord GS and MH (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 agent. Words utilizing the singular shall also include the plural and vice versa where the context requires.

As the tenant did not attend the hearing, service of the Notice of Dispute Resolution Proceeding dated June 11, 2020 (Notice of Hearing), application and documentary evidence were considered. The agents testified that the Notice of Hearing, application and documentary evidence were posted to the tenant's door on June 12, 2020 by staff member CB and was witnessed by staff member BG. Based on the undisputed testimony before me, I accepted that the tenant was served in accordance with the Act on June 15, 2020 as documents posted to the door pursuant to section 90 of the Act are deemed served three days after they are posted. As the tenant did not attend the hearing and was deemed served, I consider this application 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 order of possession would be emailed to them.

Issue to be Decided

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

Background and Evidence

The landlord testified that the tenancy began on October 10, 2018 and that monthly rent is \$375.00 with no security deposit or pet damage deposit.

The agents testified that the tenant assaulted another tenant in unit 907 on May 15, 2020 and was arrested that day by police from the Vancouver Police Department. The agents testified that the tenant kicked the tenant in unit 907 in the back. The agents stated that the next day, the tenant was released and returned to the building where they threatened two tenants of the building, which was witnessed by staff.

The agents stated that they have attempted to re-house the tenant to a more appropriate location; however, those attempts have failed and as a result, the landlord is seeking to end the tenancy for the protection of the other tenants in the building.

Since filing their application, the agents stated that on June 15, 2020, the tenant threw a chair through a glass window and that police attended to deal with the tenant. In addition, the agents testified that on June 23, 2020, the tenant threatened to harm staff.

The landlord is seeking to end the tenancy under section 56 of the Act as a result.

Analysis

Based on the undisputed testimony and undisputed documentary evidence 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 the landlord and has committed an illegal act, assault, 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.

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 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 another tenant and has threatened other tenants and staff. Furthermore, I find that an assault by a tenant against another tenant and threats to other tenants and to staff during a tenancy is unreasonable. 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 29, 2020 pursuant to section 62(3) of the Act.

Conclusion

The landlord's application is successful.

The tenancy ended this date, June 29, 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 who continues to occupy the rental unit. 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 29, 2020

Residential Tenancy Branch