

Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

DECISION AND REASONS

Dispute Codes: ET

Introduction

This hearing dealt with an application by the landlord for an order for an early end to tenancy and an order of possession. Both parties attended the hearing and were given full opportunity to present evidence and make submissions. On the basis of the solemnly affirmed evidence presented at the hearing, a decision has been reached.

Issues to be Decided

Is the landlord entitled to end the tenancy early?

Background and Evidence

The landlord testified that on May 12, 2009, the tenant (KC) got into an altercation with another male in a common public area of the building complex. He returned to his unit and came out with a gun and threatened to use it. The police visited the scene, arrested KC and seized the weapon.

On May 13 and 14, the landlord received letters of complaint from three tenants regarding this incident. They stated that their safety, health and peace of mind, was threatened by KC and they also feared for the safety of their children. They requested that KC be evicted as his behaviour was unacceptable in a family complex.

Due to the seriousness of the situation and the fear it had generated in other tenants, the landlord decided that it was no longer safe to allow KC to continue to reside in the complex and applied for an early end to tenancy and an order of possession.

Analysis

Pursuant to section 63 of the *Act*, during the hearing the parties exchanged proposals and achieved a resolution of the dispute.

Specifically, the parties agreed as follows that:

- KC will move out of the rental unit effective **immediately.**
- The other family members will move out on or before June 30, 2009.
- An order of possession will be issued in favour of the landlord effective on or before **1:00 pm, June 30, 2009;**

Conclusion

The landlord is granted an order of possession. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

Dated May 25, 2009.

Dispute Resolution Officer