



Dispute Resolution Services

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

Decision

Dispute Codes: ET, OPC

Introduction

This hearing dealt with the landlord's application for an early end to tenancy and an order of possession. Two agents for the landlord and the male tenant (husband) participated in the hearing and gave affirmed testimony. While the female tenant (wife) was personally served with the application for dispute resolution and notice of hearing package, she did not attend the hearing and is understood not to speak English.

Issue to be decided

- Whether the landlord is entitled to an early end to tenancy and an order of possession

Background and Evidence

The copy of a written residential tenancy agreement submitted into evidence records that the tenancy began with the female tenant on July 25, 2008, and that the male tenant "moved back in" on September 29, 2008. Rent in the amount of \$950.00 is payable on the first day of the month, and a security deposit of \$434.00 was collected on September 26, 2003.

As a result of an alleged physical assault by the male tenant against an agent of the landlord and another tenant on July 9, 2009, the landlord seeks an early end to tenancy and an order of possession. The male tenant does not dispute that the assault took place and argues that it came about in response to insults directed toward him, his culture and his religion. After police were called, the male tenant was arrested, charged for two counts of assault and then released. It is understood that a court appearance is

scheduled in relation to this matter on August 5, 2009. In the meantime, the landlord asserts that the landlord's agent(s) and other tenants feel threatened for their safety.

Analysis

Section 56 of the Act addresses **Application for order ending tenancy early**, and provides as follows:

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.

Having considered the documentary evidence and testimony of the parties, I find that the male tenant's conduct and the impact of that conduct on both, the landlord's agent(s) and other tenants, is sufficient to entitle the landlord to an order of possession. The order of possession is to be effective not later than two (2) days after service upon the tenants.

Conclusion

Pursuant to all of the above, I hereby issue an order of possession in favour of the landlord effective not later than **two (2) days** after service upon the tenants. This order must be served on the tenants. Should the tenants 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.

DATE: July 30, 2009

Dispute Resolution Officer