

DECISION

Dispute Codes: ET and FF

Introduction

This application was brought by landlord on July 8, 2010 seeking an Order of Possession to end the tenancy early under section 56 of the *Act*. This section permits such applications in situations where it would be unreasonable for the landlord to wait for an order under section 47 of the Act which requires a Notice to End Tenancy of a minimum of 30 days.

Despite having been served with the Notice of Hearing sent by registered mail on July 8, 2010, the tenant did not call in to the number provided to enable his participation in the telephone conference call hearing. Therefore, it proceeded in his absence.

Issue(s) to be Decided

This application requires a decision on whether the landlord is entitled to an Order of Possession under the requirements of section 56 of the *Act* and, if so, the effective date of such order.

Background and Evidence

This tenancy began on April 1, 2007. Rent is \$625 per month and the landlord holds a security deposit of \$312.50 paid on March 22, 2007.

During the hearing, the landlord gave evidence that application had been made following a mid-day incident in the storage locker area of the rental building. In that incident, the respondent tenant made comment to a group of other tenants including a mother and her son and daughter. When they did not reply, he began yelling to which they responded. At that, the respondent began to choke the son. When the mother intervened, the respondent punched her sufficiently hard to raise a swelling on her lip and eye and struck her on the chest. Her daughter was struck in the stomach. That incident was the subject of a police complaint.

The landlord also submitted a number of reports from other tenants detailing disturbances and threats by the respondent tenant, other incidents requiring police attendance due to his conduct and several breach letters to the tenant, one of which in April 2010 was returned to the building manager with a profane dismissal written on it.

Another incident on July 2, 2010 involved the tenant baiting and threatening another tenant.

Analysis

Section 56(2)(a) of the *Residential Tenancy Act* provides that an Order of Possession for an early end of tenancy may be issued, among other reasons, where the tenant or a person permitted on the property by the tenant, has:

- (ii) 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;

I find as fact that the tenant has significantly interfered with and disturbed the landlord and other occupants and seriously jeopardized their safety and lawful interests.

As I find that the landlord is entitled to an Order of Possession under section 56 of the *Act* on the grounds of the incident of July 8, 2010 alone, I find it is not necessary to review the other incidents in detail beyond observing that there have been several and serious and the tenant has had numerous warnings.

I find that the landlord is entitled to an Order of Possession to take effect in two days.

Conclusion

The landlord's copy of this decision is accompanied by an Order of Possession, enforceable through the Supreme Court of British Columbia, effective at 1 p.m. on July 30, 2010.

July 28, 2010