

DECISION

Dispute Codes ET

Introduction

This was an application by the landlord for an order ending the tenancy on a date earlier than the tenancy would end had a notice to end the tenancy for cause been given to the tenant, and for an Order for Possession. The hearing of the application for dispute resolution was conducted by conference call. The landlord's representatives and the tenant called in and participated in the hearing. I also heard from a witness for the landlord.

Issues(s) to be Decided

Is the landlord entitled to an order for possession?

Background and Evidence

The rental property is a subsidized housing complex in Vancouver. The landlord testified that the rental property provides housing for seniors; by that the landlord means persons over the age of 50. The tenancy began on July 1, 2009. The landlord's representative testified that the tenancy was initially uneventful, but in 2010 the tenant's personality changed. he began making noise in his apartment and started yelling at other occupants who reported to the landlord that they had been disturbed by the tenant's behaviour and felt threatened and intimidated by him.

The landlord testified that the tenant suffers from a mental disorder. Health professionals have been called to the rental property on several occasions and the

tenant was hospitalized for a time in September, 2010. On November 8, 2010 the landlord served the tenant with a one month Notice to End Tenancy for cause. The cause alleged was that the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord.

Another occupant of the rental property, Mr. F.M. testified about the tenant's behaviour. He testified that on November 23, 2010 the tenant accused him of being a Nazi collaborator and attacked him. F.M. attempted to protect himself and restrain the tenant from punching him, but in the struggle he was punched several times, suffered a broken finger and a persistent nosebleed. Mr. F.M. was taken to hospital and the tenant was arrested. The tenant was released upon an undertaking that obliges him, among other matters, to have no contact with F.M.

The tenant testified that he acted in self defence during his confrontation with Mr. F.M., but he agreed that F.M.'s description of the events was accurate. The tenant is six feet tall whereas Mr. F.M. testified that he is 5'8" and weighs 120 pounds.

The tenant testified that the underlying problems that have precipitated his anger relate to problems with the disruption of electricity to his rental unit that has damaged or destroyed three of his computers and prevented him from accessing the internet. The tenant testified that his privacy has been interfered with. He said that information about the tenant has been passed from the rental property, presumably by the landlord and other occupants into the outside community where it has been communicated to the tenant's large circle of acquaintances.

Analysis and conclusion

Section 56 (2) of the Act permits me to make an order specifying an earlier date for the end of a tenancy than would be the case had the landlord issued a one month notice to end a tenancy for cause, only if I am satisfied that, among other matters, the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord

of the rental property and 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. Section 56 (3) of the *Act* provides that: If an order is made under this section, it is unnecessary for the landlord to give the tenant a notice to end the tenancy.

The landlord has given the tenant a one month Notice. The tenant said that he disputed the Notice, but there is no evidence to show that the tenant filed an application for dispute resolution or that he ever served the landlord with such an application.

I accept the testimony of the landlord's witness, F.M. that he was assaulted by the tenant and that he has been threatened and intimidated by the tenant. I prefer his evidence to that of the tenant. The tenant's accusations that F.M. and others are "Nazi collaborators" were denied by F.M.; the tenant's evidence was not believable and I do not accept his version of events.

The evidence of the landlord has satisfied me that the tenant has significantly interfered with or unreasonably disturbed the other occupants and 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 to take effect. Accordingly I order the tenancy to be at an end effective today, December 3, 2010 and I find that the landlord is entitled to an order for possession effective two days after service on the tenant. This order may be filed in the Supreme Court and enforced as an Order of that Court.

Dated: December 03, 2010.
