



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes ET

Introduction

This hearing dealt with an application by the landlord seeking an early end to this tenancy pursuant to section 56 of the *Act*. Both parties appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross examine the other party, and make submissions to me.

Issue(s) to be Decided

Has the tenant's breach of the tenancy agreement, *Act* and regulations been so significantly as to entitle the landlord to end this tenancy early without waiting for a notice under section 47 of the *Act* to take effect?

Background and Evidence

The facts are not in dispute.

On January 20, 2010 the tenant without provocation assaulted a guest visiting an occupant of the residential building. The assault occurred in the lobby. The tenant was approached by the guest who was seeking directions in the building. The tenant punched the guest in the face and then pushed her out of the building. The incident was captured on video surveillance. The police were called and the tenant was arrested and charged as a result of the incident.

The landlord submits that this incident has severely impacted all employees and occupants of the building. Most occupants in the building are elderly or disabled and the behaviour of the tenant is very concerning, more so because there appeared to be no reason for his violence.

The tenant stated that he is very regretful of the incident and acknowledged that due to personal difficulties and losses he has been drinking heavily. The tenant stated that he cannot recall actually hitting the person involved but does not dispute that this in fact

occurred. Given his vulnerable health the tenant did request 48 hours to complete his preparations to vacate and committed to vacating the rental unit by **1:00 p.m. on Friday February 4, 2011.**

Analysis

Section 56 of the *Act* is an extraordinary remedy which grants the Director authority to end a tenancy without a notice of end tenancy if sufficient cause is established and the landlord demonstrates that it would be both unfair and unreasonable to allow the tenancy to continue until a one month Notice to End Tenancy under section 47 would take effect.

I am satisfied that the events of January 20, 2011 constitute a significant breach of the tenant's tenancy agreement and that due to the violent and unpredictable nature of the incident it would be unfair and unreasonable for other occupants and the landlord to wait for this tenancy to end through enforcement of a 1 month Notice to End Tenancy.

Based on the tenant's oral commitment to vacate the rental unit, I have issued the landlord an Order of Possession effective **February 4, 2011 at 1:00 p.m.**

Conclusion

I find that the landlord is entitled to an Order of Possession of the rental unit effective **February 4, 2011 at 1:00 p.m.** This Order may be filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: February 02, 2011.

Residential Tenancy Branch