



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking an order of possession.

The hearing was conducted via teleconference and was attended by two agents for the landlord.

The landlord testified the tenant was served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* by posting them on the rental unit door on September 4, 2012 at 2:30 p.m. in accordance with Section 89. As per Section 90, the documents are deemed received by the tenant on the 3rd day after it was posted.

Based on the testimony of the landlord, I find that the tenant has been sufficiently served with the documents pursuant to the *Act*.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession to end the tenancy early for cause, pursuant to Section 56 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The landlord testified the tenancy began on April 1, 2007 as month to month tenancy with a current monthly rent of \$356.00 due on the 1st of each month with a security deposit of \$409.50 paid.

The landlord submitted the tenant attacked another tenant using a chain with a padlock on the end; that the tenant struck the other tenant twice and the other tenant required medical treatment. The landlord confirmed the tenant had been arrested by police over the incident.

Analysis

Section 56 of the *Act* allows a landlord to end a tenancy by submitting an Application for Dispute Resolution seeking to end the tenancy earlier than the tenancy would end if a notice to end the tenancy were given under Section 47 if one or more of the following applies:

- a) The tenant or a person permitted on the residential property by the tenant has
 - 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, or
 - iii. Put the landlord's property at significant risk;
- b) The tenant or a person permitted on the residential property by the tenant has engaged in illegal activity that
 - i. Has caused or is likely to cause damage to the landlord's property,
 - ii. 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
 - iii. Has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord;
- c) And it would be unreasonable, or unfair to the landlord or other occupants of the residential property, to wait for a notice to end tenancy under Section 47 to take effect.

In the absence of any contradictory testimony or evidence and based on the landlord's testimony and submissions I find the landlord has sufficient cause to end the tenancy and with regard to the safety of other occupants in the residential property, I find that it would be unfair for them to wait for a notice under Section 47 to take effect.

Conclusion

I find the landlord is entitled to an order of possession effective **two days after service on the tenant**. This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be 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: September 12, 2012.

Residential Tenancy Branch