



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      ET

### Introduction

This application was brought by landlord on December 27, 2012 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 effective on date that is a minimum of one month following service.

The tenant was unable to participate in the hearing due to his having been taken into police custody on or before December 20, 2012. Notice of the hearing was duly posted on the tenant's door. The landlord was represented by the property manager.

### Issue(s) to be Decided

Are the circumstances which have caused the landlord to seek an end to the tenancy of sufficient urgency to warrant the issuance of an Order of Possession under the more stringent requirements of section 56 of the *Act*?

### Background and Evidence

This tenancy, in a 104-unit complex which specializes in providing accommodation for hard to house tenants, began on July 1, 2011.

During the hearing, the property manager gave evidence that, following a number of incidents causing serious concern, she was advised by officers from the city police department on December 20, 2012 that they had the tenant in custody and had reason to believe he had left an incendiary device in his rental unit.

The police bomb squad evacuated the 11<sup>th</sup> floor of the building on which the tenant resides and removed the device.

During the hearing, the property manager said had tried a number of times to help the tenant and expressed deep sympathy for his circumstances but believed the potential danger to other tenants was too great to permit the tenancy to continue.

The landlord stated that over recent weeks the tenant had displayed what appeared to be paranoid conduct, including blocking the peep hole in the door to his rental unit and expressing the belief that others were overhearing his conversations.

The landlord submitted number of documents into evidence and gave further explanation as follows:

November 26, 2012 – A staff report detailed the tenant riding down the elevator shortly after 2 a.m., first apparently examining the security camera with a magnifying glass, giving it the finger, and lowering his trousers to expose his buttocks to it. The trip down the elevator was made to deliver a document entitled, “Catastrophic Corruption of Public Service,” to officials of the residence. The document itself, said to be taken from the tenant’s blog, recounted a tragic set of circumstances beginning with his departure from his native country, the loss of his wife, and a detailed recounting of his experience with government officials through difficulties with his son.

November 26, 2012 – At the tenant’s request from the day before, he met with the property manager and expressed his concern that his neighbour was running a business from his unit, is tax evading and not cleaning his mess in the hall. During the meeting, he expressed dismay at having lost a job due to a criminal record, that his son had lost his housing and that the death of his mother, still in his homeland, was imminent. The property manager was disturbed by the tenant’s statement that he would take his own life, possibly “suicide by cop” after his mother passed. He also spoke of his early militia training with explosives. The property manager flagged the tenant for monitoring of his mother’s condition and the tenant’s state of mind.

November 30, 2012 – A staff report noted the tenant using elevators between 1:50 a.m. and 3:30 a.m., doing laundry, using a computer, doing laundry and going in and out of the building. The report concluded that the tenant appeared mentally upset and in need of attention.

December 17, 2012. – The manager of the rental unit wrote to the tenant reviewing their meeting of December 12, 2012, acknowledged the tenant’s assurance that his previous conduct was not intended to be threatening, apologized for any offense the tenant may have inferred from staff comments and wished him a happy holiday season with his son.

Subsequently, as noted, the property manager was advised on December 20, 2012 by police officers that the tenant was in custody and the bomb squad evacuated the floor and removed the incendiary device from the rental unit.

### Analysis

Section 56(2)(a) of the *Act* authorizes the director's designate to issue an Order of Possession in circumstances in which a tenant has "(ii) seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant;" and "(iii) put the landlord's property at significant risk;"

On the evidence before me, I find that the landlord is entitled to an immediate Order of Possession under the provisions section 56 of the *Act* and issue such order to take effect at today, January 8, 2013.

### Conclusion

The landlord's copy of this decision is accompanied by an Order of Possession, enforceable through the Supreme Court of British Columbia, to take effect at 4 p.m. on January 8, 2013.

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: January 08, 2013.

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Residential Tenancy Branch

