



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding RainCity Housing and Support Society
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution, seeking an order to end the tenancy early, and receive an order of possession.

An agent for the landlord attended the hearing and gave affirmed testimony and was provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me.

As the tenant did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (the "Notice") was considered. The agent provided affirmed testimony that the Notice was served on the tenant in person at the hospital on March 20, 2013. The agent stated that the tenant was released from the hospital on March 26, 2013, two days before the hearing. The agent stated that she became aware of the tenant's release from the hospital as she spoke to the tenant directly, and was advised by the tenant's social worker from the hospital. As a result, I find the tenant was sufficiently served with the Notice under the *Act*.

Issue to be Decided

- Is the landlord entitled to end the tenancy early and obtain an order of possession?

Background and Evidence

A month to month tenancy began on December 1, 2008. The economic rent for the rental unit was \$840.00 at the start of the tenancy, and the tenant's subsidized portion was \$296.00 per month due on the first day of each month. Since 2008, the tenant's portion of the rent has increased on a yearly basis to the currently monthly rent of

\$320.00. A security deposit of \$420.00 was paid by the tenant at the start of the tenancy.

The landlord has applied for an order to end the tenancy early and obtain an order of possession due to the tenant seriously jeopardizing the health and safety or lawful right or interest of another occupant. The agent described the incident which occurred on February 13, 2013. The agent stated that the tenant became upset at workers working in the hallway of the rental building. A female neighbour, CB, peeked out into the hall to see what was happening due to the noise, and the tenant approached CB's rental unit. CB closed her door, and the tenant began to aggressively bang on her door and yell at her demanding money for a bottle of perfume he gave to CB the day before, or to have his money returned.

According to the agent, the tenant eventually entered CB's rental unit without permission and was swinging his arms around and pushed several items off of her dresser breaking a potted plant and other personal items of CB. CB stated to the agent that she was very afraid for her safety as she felt the tenant was going to assault her. This incident resulted in the police being called and attending the rental unit, along with support workers for the tenant. At the time of the incident, CB did not make a formal complaint, however, later called the police to file a formal complaint and was given a police file number submitted in evidence. The agent was not certain as to the status of that complaint and whether criminal charges were pending against the tenant.

Since the incident, the tenant has remained in hospital and was released two days before the hearing. CB remains extremely concerned for her safety, and as a result, the agent stated that the tenant has agreed to move into a different rental unit and rental building arranged for by the agent. The tenant did not attend the hearing to provide his version of events or to confirm the arrangement described by the agent.

Analysis

Based on the documentary evidence and the undisputed testimony provided by the agent during the hearing, and on a balance of probabilities, **I find** and I am satisfied that the tenant has seriously jeopardized the health and safety or lawful right or interest of another occupant. I accept that the tenant entered the rental unit of another occupant without permission, damaged her personal property and was swinging his arms causing another occupant to fear for their safety.

I am also satisfied that it would be unreasonable and unfair to the landlord or the other occupants to wait for a notice to end tenancy under section 47 of the *Act*.

Therefore, pursuant to section 56 of the *Act*, **I grant** the landlord an order of possession for the rental unit effective not later than **two (2) days** after service of the Order on the tenant. This order may be enforced through the Supreme Court of British Columbia.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Act*. Pursuant to section 77 of the *Act*, a decision or an order is final and binding, except as otherwise provided in the *Act*.

Dated: March 28, 2013

Residential Tenancy Branch

