



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

This hearing dealt with an application by the landlord for an order ending this tenancy early. The tenant did not participate in the conference call hearing. The landlord testified that on May 8, 2013, she personally served the application for dispute resolution and notice of hearing on the tenant. I found that the tenant had been properly served with notice of the hearing and of the claim against him and the hearing proceeded in his absence.

Issue to be Decided

Is the landlord entitled to an order ending this tenancy early?

Background and Evidence

The landlord's undisputed testimony is as follows. The rental unit is in the basement of a home in which the landlord also resides. The landlord resides on the upper floor and the basement is shared by 4 tenants, each of whom have their own bedroom. The kitchen and bathroom on the lower floor is shared by the tenants.

Very soon after the tenancy began in April, the landlord began receiving complaints from the other occupants of the unit. The occupants complained that the tenant was threatening to hurt them and challenging them to physically fight him. The occupants reported that their response to his threats was to walk away and avoid the confrontation.

The landlord spoke with the tenant about the concerns of the other occupants and he denied their allegations. Shortly after this discussion, someone defecated on the vehicle of one of the other occupants and the owner of the vehicle believed that this was done by the tenant in retaliation for him having complained to the landlord.

At some point, the tenant tried to strangle one of the occupants after a verbal altercation. The occupant telephoned the police to report the incident and the landlord's father observed the tenant running from the home before the police attended.

The landlord also offered testimony about damage done by the tenant to the rental unit.

Analysis

In order to be successful in her claim, the landlord must prove not only that she has grounds to end the tenancy, but that it would be unreasonable or unfair to force her to wait until a one month notice to end tenancy had taken effect. I find that the landlord has met that burden.

I accept the landlord's undisputed evidence and I find that the tenant physically attacked another occupant. I find that the safety of the landlord and other occupants is in jeopardy while the tenant resides in the rental unit and I find that it would be unfair for the landlord to be forced to wait for a one month notice to end tenancy to take effect.

I therefore grant the landlord an order of possession which is effective 2 days after service on the tenant. If the tenant fails to comply with the order, it may be filed in the Supreme Court and enforced as an order of that Court.

Conclusion

The landlord is granted an order of possession.

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: May 15, 2013

Residential Tenancy Branch

