



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding M.R.B. Holdings Ltd.  
and [tenant name suppressed to protect privacy]

## **DECISION**

### Dispute Codes:

ET and FF

### Introduction

This hearing was scheduled in response to the Landlord's Application for Dispute Resolution, in which the Landlord has applied to end the tenancy early, for an Order of Possession, and to recover the fee for filing this Application for Dispute Resolution.

The Agent for the Landlord stated that two copies of the Application for Dispute Resolution and Notice of Hearing were posted on the door of the rental unit on June 11, 2013. The Tenant in attendance at the hearing, who is the mother of the other Tenant, acknowledged receipt of the documents. I find that these documents have been served in accordance with section 89 of the *Residential Tenancy Act (Act)*, however only one Tenant appeared at the hearing.

The Landlord submitted documents to the Residential Tenancy Branch, copies of which were not served to the Tenant. As the evidence was not served to the Tenant, it was not accepted as evidence for these proceedings.

### Issue(s) to be Decided

Is the Landlord entitled to end this tenancy early and to an Order of Possession on the basis that the tenancy is ending early, pursuant to section 56(1) of the *Residential Tenancy Act (Act)*?

### Background and Evidence

The Landlord and the Tenant agree that on June 07, 2013 the Tenant with the initials "A.R." assaulted the Tenant with the initials "B.R" in the rental unit; that the Agent for the Landlord intervened in the assault; that the police have charged the Tenant with the initials "A.R." with two counts of assault; and that the Tenant with the initials "A.R." currently has a court order that prevents her from attending the residential complex or contacting the Agent for the Landlord.

The Agent for the Landlord stated that when she intervened on June 07, 2013 the Tenant with the initials "A.R." pushed the Agent on one occasion and struck the Agent with her forearm on a second occasion; that the Tenant with the initials "A.R." has been charged for assaulting her; that the Tenant with the initials "A.R." was at the residential complex last night, which was

reported to the police; and that she fears the Tenant with the initials "A.R." will continue to come to the rental unit as long as the Tenant with the initials "B.R." is living there.

The Tenant with the initials "B.R." stated that she did not witness the assault of the Agent for the Landlord, although she does not dispute the Agent for the Landlord's testimony regarding the assault.

The Tenant with the initials "B.R." stated that she intends to vacate the rental unit at the end of June; that the Tenant with the initials "A.R." is scheduled to appear in court today and may be remanded in custody; and that the Tenant with the initials "A.R." is scheduled to attend "detox" on June 26, 2013.

### Analysis

Section 56(1) of the *Act* stipulates that a landlord can apply for an order that ends the tenancy on a date that is earlier than the tenancy would end if a notice to end tenancy were given under section 47 of the *Act* and he may apply for an Order of Possession for the rental unit. Section 56(2)(a) of the *Act* authorizes me to end the tenancy early and to grant an Order of Possession in any of the following circumstances:

- The tenant or a person permitted on the residential property by the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property
- The tenant or a person permitted on the residential property by the tenant has seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant
- The tenant or a person permitted on the residential property by the tenant has put the landlord's property at significant risk
- The tenant or a person permitted on the residential property by the tenant has engaged in illegal activity that has caused or is likely to cause damage to the landlord's property
- The tenant or a person permitted on the residential property by the tenant has engaged in illegal activity that 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
- The tenant or a person permitted on the residential property by the tenant has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord
- The tenant or a person permitted on the residential property by the tenant has caused extraordinary damage to the residential property.

Section 56(2)(b) of the *Act* authorizes me to grant an Order of Possession in these circumstances only if it would be unreasonable, or unfair to the landlord or other occupants of the residential property, to wait for a notice to end the tenancy under section 47 to take effect.

On the basis of the undisputed testimony, I am satisfied that the Tenant with the initials "A.R." physically assaulted the Agent for the Landlord; that the Tenant with the initials "A.R." has a

court order that prevents her from attending the rental unit and from having contact with the Agent for the Landlord, and that she has returned to the rental unit on at least one occasion in contravention of that court order. I find that these actions have significantly interfered with and unreasonably disturbed the Agent for the Landlord, which are grounds to end this tenancy pursuant to section 56 of the *Act*.

Given that this tenancy would continue until at least the end of July if this tenancy was to end pursuant to section 47 of the *Act*, I find that it is reasonable to end this tenancy prior to the end of July, pursuant to section 56 of the *Act*. As there is a co-tenant occupying the rental unit who has also been victimized by the Tenant with the initials "A.R."; that there is a court order that prevents the Tenant with the initials "A.R." from attending the residential complex or having contact with the Agent for the Landlord, which can be enforced by the police; and the assault on the Agent for the Landlord was not particularly violent, I find it reasonable that the tenancy should end at the end of June. In determining the end date of the tenancy I have attempted to balance the safety of the Agent for the Landlord with the consequences an early end to the tenancy has on the other Tenant. I therefore grant the Landlord an Order of Possession that is effective at 1:00 p.m. on June 30, 2013.

### Conclusion

I grant the Landlord an Order of Possession that is effective at 1:00 p.m. on June 30, 2013. This Order may be served on the Tenant, filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

I find that the Landlord has established a monetary claim, in the amount of \$50.00. in compensation for the filing fee paid by the Landlord for this Application for Dispute Resolution and I grant the Landlord a monetary Order in that amount. In the event that the Tenant does not comply with this Order, it may be served on the Tenant, filed with the Province of British Columbia Small Claims Court and enforced by 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: June 20, 2013

---

Residential Tenancy Branch