



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Siesta Rooms Ltd  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      ET, FF

### Introduction

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for orders as follows:

1. An early end of tenancy – Section 56;
2. An Order of Possession – Section 56; and
3. Recovery of the filing fee – Section 72.

The Landlord and Tenant were each given full opportunity to be heard, to present evidence and to make submissions.

### Issue(s) to be Decided

Is the Landlord entitled to an early end to the tenancy and an order of possession?

Is the Landlord entitled to recovery of the filing fee?

### Background and Evidence

The tenancy started in March 2013. The Landlord states that on November 23, 2013 the Tenant assaulted another tenant and has been charged by police. The Landlord states that there is concern about further violence. The Landlord provided a copy of the statement given to police and a video of the incident. The Tenant agrees that he has been charged with assault and states that he was defending his girlfriend from threats made by the other tenant but that he is otherwise an upstanding individual with no history of previous incidents.

Analysis

Section 56 of the Act provides that a landlord may make an application to end a tenancy earlier than it would end if the landlord issued a 1 Month Notice to End Tenancy for Cause and obtain an Order of Possession in certain circumstances. It is not necessary for the landlord to issue a 1 Month Notice; however, the landlord must show that:

- (a) the tenant or a person permitted on the residential property by the tenant has done any of the following:
  - (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;
  - (iii) put the landlord's property at significant risk;
  - (iv) engaged in illegal activity that
    - (A) has caused or is likely to cause damage to the landlord's property,
    - (B) 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
    - (C) has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord;
  - (v) caused extraordinary damage to the residential property, and
- (b) 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 *[landlord's notice: cause]* to take effect.

Given the video evidence, I am satisfied that the Landlord has substantiated that the Tenant significantly interfered with another occupant and that it would be unreasonable or unfair to the Landlord to wait for a 1 Month Notice to take effect. Accordingly, I find that the Landlord is entitled to an Order of Possession. The tenancy ends and the tenant must vacate the rental unit two (2) days after service of the Order of Possession provided to the Landlord with this decision.

As the Landlord has been successful, I find that the Landlord is also entitled to recovery of the \$50.00 filing fee.

Conclusion

**I grant an Order of Possession** to the Landlord. The Tenant must be served with this Order of Possession. Should the Tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

**I grant** the Landlord a **Monetary Order** under Section 67 of the Act for **\$50.00**. If necessary, this order may be filed in the Small Claims Court and 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: December 10, 2013

---

Residential Tenancy Branch

