



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding British Columbia Housing Management Commission  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes: ET/OP, FF

### Introduction

This hearing was scheduled in response to the landlord's application for an early end to tenancy / an order of possession, and recovery of the filing fee. Both parties attended and gave affirmed testimony.

### Issue(s) to be Decided

Whether the landlord is entitled to the above under the Act, Regulation or tenancy agreement.

### Background and Evidence

Pursuant to a written tenancy agreement, the tenancy began on July 1, 2009.

An incident occurred at the unit on December 24, 2013 involving the tenant and allegedly more than 20 police officers. In the result, the unit door was forcibly opened and the tenant was removed by police. The landlord's agents testified that this is the most recent of several incidents over a period of time in which the tenant has seriously jeopardized the health or safety or lawful right or interest of the landlord or other occupants. Other incidents involving the tenant are said to have occurred on October 24, 2013, as well as on May 23, 2012 (verbal and physical assault – warning letter issued) and December 21, 2012 (physical assault – warning letter issued). In the result, the landlord seeks an early end to tenancy and an order of possession.

### Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, forms and more can be accessed via the website: [www.rto.gov.bc.ca](http://www.rto.gov.bc.ca)

Section 56 of the Act speaks to **Application for order ending tenancy early**, and provides in part, as follows:

- 56(2) The director may make an order specifying an earlier date on which a tenancy ends and the effective date of the order of possession only if satisfied, in the case of a landlord's application,
- (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;

(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.

(3) If an order is made under this section, it is unnecessary for the landlord to give the tenant a notice to end the tenancy.

Based on the documentary evidence and testimony, I find that the landlord has met the burden of proving that the tenant has "significantly interfered with or unreasonably disturbed another occupant or the landlord," and that he has "seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant." Accordingly, I find that the landlord has established entitlement to an **order of possession**.

As the landlord has succeeded in obtaining an order of possession, I find that the landlord has also established entitlement to recovery of the **\$50.00** filing fee.

#### Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **1:00 p.m., Friday, January 31, 2014**. This order must be served on the tenant. 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.

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$50.00**. Should it be necessary, this order may be served on the tenant, 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: January 16, 2014

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Residential Tenancy Branch

