



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

This is the Landlord's Application for Dispute Resolution, seeking orders to end the tenancy early and be granted an order of possession.

The landlord attended the hearing. As the tenant did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (the "Notice") was considered.

The Residential Tenancy Branch Rules of Procedure states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The landlord testified the Application for Dispute Resolution and Notice of Hearing were posted to the door of the rental unit on January 16, 2014, the tenant did not appear.

Section 90 of the Act determines that a document served in this manner is deemed to have been served three days later. I find that the tenant has been duly served in accordance with the Act.

The landlord appeared, gave testimony and was provided the opportunity to present their evidence orally and in written and documentary form, and make submissions at the hearing.

Issue to be Decided

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

Background and Evidence

The tenancy began on December 15, 2013.

The landlord testified on January 10, 2014, the tenant attacked the other occupant that lives in the building with a knife. The landlord stated the tenant seriously jeopardized the health and safety of the occupant. The landlord stated the tenant was arrested and has

not been released from custody.

The witness (WB) testified on the evening of January 10, 2014, the tenant was knocking on his door. (WB) stated he had never met the tenant before and invited him in and they had a short conversation. (WB) stated the tenant left short thereafter.

(WB) testified that shortly after that he looked outside his window and noticed that the tenant was searching his vehicle and he when outside to see what the tenant was doing. (WB) stated the tenant said that he was looking for something. (WB) stated he was able get the tenant out of his vehicle and he escorted the tenant back to his unit.

(WB) testified that he went back to his rental and shortly after that he found the tenant inside his unit, going down his hallway and is not sure how he entered. (WB) stated the tenant said he was looking for his girlfriend this time. (WB) stated he again escorted the tenant back to his unit.

(WB) testified that he returned to his unit, however, before he was fully inside the tenant attacked him with a kitchen knife. (WB) stated they were able get the knife away from the tenant, and to get him out of their unit. (WB) stated the police were called and the tenant was charged with assault with a weapon, break and enter, and several other charges.

(WB) testified that this incident has shaken him and his girlfriend.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

Section 56 of the *Act* allows a tenancy to be ended early without waiting for the effective date of a one month notice to end tenancy if there is evidence that the tenant has breached their obligations under the tenancy agreement or *Act* and it would be unreasonable or unfair to wait for the effective date of a one month notice to end tenancy.

In this case, I find the incident of January 10, 2014, by attacking the other occupant with a knife; significantly jeopardize the health and safety of the occupant.

I find the tenant has significantly breached the tenancy agreement and the *Act* by jeopardizing the health and safety of the other occupant . Based on this conclusion, I find that the landlord has established sufficient cause to end this tenancy.

I have also considered whether it would be unreasonable or unfair to the landlord to wait

for a one month notice to end tenancy to take effect. I find the tenant's action of attacking the other occupant of the residential premises with a knife significantly jeopardized their health and safety and it would be unreasonable, and unfair to the other occupant of the residential property to wait for a notice to end tenancy under section 47 to take effect.

Therefore, I grant the landlord an order of possession effective **two (2) days** after it is served upon the tenant. This order may be filed with the Supreme Court of British Columbia and enforced as an order of that court.

Conclusion

The landlord's application to end this tenancy early pursuant to section 56 of the *Act* is granted. 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: January 22, 2014

Residential Tenancy Branch

