



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PHS COMMUNITY SERVICES SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: *ET*

Introduction

This hearing dealt with an application by the landlord pursuant to section 56 of the *Residential Tenancy Act*, for an order to end the tenancy early and obtain an order of possession. Both parties attended the hearing and were given full opportunity to present evidence and make submissions and gave affirmed testimony. The tenant acknowledged receipt of evidence submitted by the landlord.

Issues to be decided

Does the landlord have cause to end the tenancy early?

Background and Evidence

The tenancy started in August 2013. The rental unit is located in a government funded health care facility. The facility contains 80 self contained rental units which are occupied by tenants who have chronic health problems, addiction issues and/or suffer from mental illness.

The landlord stated that the facility has a no eviction policy unless there is a danger to the safety and security of other residents and staff. The tenant agreed that on April 25, 2014, he assaulted a resident of the facility, inside the elevator. The landlord added that the tenant assaulted another female resident on May 02, 2014 and the police were called. The police found a machete in the seat of the tenant's wheelchair. On May 03, 2014, the tenant assaulted a staff member. The tenant admitted to two of the three assaults.

Analysis

Based on the sworn testimony of both parties, I am satisfied that the tenant's behaviour has seriously jeopardized the safety of the other residents and the landlord's staff.

In these circumstances it would be unreasonable and unfair to require the landlord to wait for a notice to end the tenancy under s. 47 and therefore I find that the landlord is entitled to an order for possession. A formal order has been issued and may be filed in the Supreme Court and enforced as an order of that Court.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenant.

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 13, 2014

Residential Tenancy Branch

