



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Greater Victoria Housing Society
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking an order of possession.

The hearing was conducted via teleconference and was attended by two agents for the landlord and their witness.

The landlord testified the tenant was served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* personally on May 7, 2014 at 4:00 p.m. in accordance with Section 89 and that this service was witnessed by a third party.

Based on the testimony of the landlord, I find that the tenant has been sufficiently served with the documents pursuant to the *Act*.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession to end the tenancy early and without notice, pursuant to Section 56 of the *Act*.

Background and Evidence

The landlord provided a copy of a tenancy agreement signed by the parties on August 18, 2010 for a month to month tenancy beginning on September 1, 2010 for a market monthly rent of \$752.00 due on the 1st of each month with a security deposit of \$376.00 paid.

The landlord submits that the tenant, on May 5, 2014, had parked his scooter in a manner that was partly blocking the entrance to the residential property and the landlord's agent told the tenant to move the scooter. The agent states he completed his rounds and returned and the scooter was still blocking the entrance.

The agent went on to say that he asked the tenant again to move it and the tenant swore at the agent. The agent states he then told the tenant to move the scooter or that

he would move it for him. The agent submits the tenant responded by saying he was a boxer and that he would kill the agent if he touched the scooter. The agent reported the threat to police.

The landlord also provided a written statement from another agent in which the other agent submits that when she was speaking with the tenant regarding another issue the tenant stated the caretaker would be on the ground with a hand on his throat and we would not have time to phone police.

The landlord's witness testified that many residents are scared of the tenant. He submits that the tenant is a crack user and that several people will not ride the elevator with him. The witness also submitted that the tenant had threatened him a year previously. He states that the tenant often has female guests who are known drug users. The witness spoke of a current police investigation but would not give any details.

The landlord testified the current police investigation relates to the tenant dressing as a Commissionaire and luring young women into his unit. The landlord offered a police file number for the record.

The landlord submits that when the tenant threatened the witness the landlord had issued a warning to the tenant. The landlord also states that the tenant's threatening behaviour has been escalating and currently no one knows his whereabouts. He submits the police are looking for him and cannot provide any confirmation as to where the tenant is.

Analysis

Section 56 of the *Act* allows a landlord to request an order of possession to end the tenancy on a date that is earlier than the tenancy would end if notice to end the tenancy were given under Section 47 (1 Month Notice to End Tenancy for Cause) if one or more of the following applies:

- a) The tenant or a person permitted on the residential property by the tenant has
 - 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, or
 - 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 rental unit or residential property;
- b) And 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.

I am satisfied, based on the undisputed testimony and evidence provided by the landlord and their witness, that the tenant has seriously jeopardized the health or safety of the landlord's agents and other occupants of the residential property.

I also find the landlord has established, by their undisputed testimony, that the tenant's behaviour is escalating and as a result it would be unfair the both the landlord and the other occupants of the rental unit to wait for a 1 Month Notice to take effect.

Conclusion

I find the landlord is entitled to an order of possession effective **two days after service on the tenant**. This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be 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: June 04, 2014

Residential Tenancy Branch

