



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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

DECISION

Dispute Codes: ET / OP

Introduction

This hearing concerns the landlord's application for an early end of tenancy and an order of possession. Two agents representing the landlord attended and gave affirmed testimony. The tenant also attended, however, following confirmation that he had called into the telephone conference call hearing, he made no statement(s) or comment(s) whatsoever and withdrew from the hearing prior to its conclusion.

Issue(s) to be Decided

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

Background and Evidence

The subject unit is 1 of what are a total of 110 units located within a residential complex.

Pursuant to a written tenancy agreement the fixed term of tenancy is from February 01, 2014 to January 31, 2015. Monthly rent is due and payable in advance on the first day of each month. While the monthly economic rent is \$984.00, the tenant's portion is \$375.00. A security deposit of \$492.00 was collected.

An incident occurred at the complex on July 09, 2014 in which the tenant allegedly verbally assaulted another resident and threw coffee at him. Police were called. This incident is one of several involving the tenant and other residents, in what appears to be a pattern of allegedly aggressive behaviour toward other residents and staff; documentary evidence includes copies of various incident reports.

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

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

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;

(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 the affirmed / undisputed testimony of the landlord's agents, I find that the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord, and has seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant, and further, that it would be unreasonable or unfair to the landlord or other occupants to wait for a 1 month notice to end tenancy for cause to take effect. In the result, I find that the landlord has established entitlement to an **early end of tenancy** and an **order of possession**.

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **two (2) days** after service on the tenant. 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.

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: July 28, 2014

Residential Tenancy Branch

