



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Atira Property Management Inc.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET

Introduction

This is an application filed by the landlord for an early end to the tenancy and to obtain an order of possession.

The landlord attended the hearing by conference call and gave undisputed evidence. The tenant did not attend or submit any documentary evidence. The landlord states that the tenant was personally served with the notice of hearing package and the submitted documentary evidence on July 21, 2014. The landlord states that the tenant continues to occupy the rental unit as of the date of this hearing. I accept the undisputed evidence of the landlord and find that the tenant has been properly served.

Issue(s) to be Decided

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

Background and Evidence

The landlord has safety concerns for staff and other tenants as the tenant has threatened to kill everyone. The tenant has caused a lot of property damage to the hallways outside his room by spray painting bikes. The landlord states that the tenant has caused a loss of quiet enjoyment of other tenants in the building as they feel threatened by him.

The landlord states that his organization deals with hard to place tenants and has delayed evicting the tenant in the hopes of resolving the issues with his behaviour. The landlord states that this is no longer possible as the tenant has repeatedly ignored warnings to stop his behaviour and is now threatening staff members.

The landlord states that on May 15, 2014 the tenant was detained by police after the tenant caused a disturbance at the rental property where he threatened to "kill

everybody” while kicking and hitting the walls with a meat cleaver. The landlord states that an employee witnesses the tenant states, “I am going to kill chris”. The employee witness, J.S. stated that she understood this to be chris another tenant. The landlord also states that on July 8, 2014, an employee, S.B. witnessed the tenant try to help another person enter the building on an emergency fire exit. When S.B. went out to look in the alleyway, he saw a knife with the point down fall next to him nearly hitting him. S.B. looked up and saw the tenant who then said, “oops”. The landlord also states that the tenant has caused damage to the walls in the hallway outside his rental unit by spray painting his bikes in which the paint is causing damage to the walls. The landlord stated that tenant has disregarded repeated warnings to stop painting in the hallways as it causes damage to the walls.

Analysis

I accept the undisputed evidence of the landlord and find that grounds to end the tenancy early have been established. The landlord has satisfied me that the tenant has threatened to cause harm to the landlord and his employees as well as to other tenants. I also find that the tenant is causing extraordinary damage by spray painting the walls and disregarding the landlord's warnings to stop doing so.

The landlord is granted an order of possession to end the tenancy early. This order must be served upon 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.

Conclusion

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: August 08, 2014

Residential Tenancy Branch

