



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BC HOUSING MANAGEMENT COMMISSION
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET

This hearing dealt with an Application for Dispute Resolution by the Landlord for an Order to end tenancy early and obtain an Order of Possession.

The Landlord's Property Portfolio Manager, I.C., and Building Manager, T.M. attended. The Landlord also had another occupant of the rental building, S.A. appear as a witness.

The Tenant appeared at the hearing. Initially he simply asked the date he was expected to move. When I attempted to explain to him that the hearing had only begun and a decision had yet to be made, he became agitated and argumentative. As he continually interrupted the hearing, I found it necessary to mute him briefly, after I cautioned him about his disruptive behaviour. The Tenant remained on the line, but refused to participate in the hearing.

The Landlord's agent, I.C, gave testimony and both parties were provided the opportunity to present their evidence orally and in written and documentary form and make submissions at the hearing.

Issues to be Decided

Is the Landlord entitled to end tenancy early and obtain an Order of Possession?

Background and Evidence

The Landlord testified he is seeking to end tenancy early and obtain an order of possession as the tenant has unreasonably disturbed other occupants in the building.

Introduced in evidence were 22 letters from other occupants of the rental building. In these letters, the other occupants describe the Tenant as playing loud music, yelling and swearing in his rental unit during the early morning hours, hammering and breaking

furniture, throwing broken furniture and household items over his balcony and out his window and leaving such items in the common areas.

Also introduced in evidence were three warning letters from the Landlord to the Tenant about the behaviour complained about by other occupants as well as two incident reports, including an incident on November 5, 2014 wherein the Tenant assaulted another occupant and threatened his life.

The witness, S.A. testified that on November 5, 2014, the Tenant spit on him in the elevator, positioned his hands to look like a gun and told the Tenant he was going to kill him. S.A. stated that he did not know the Tenant, and did not have any prior dealings which might go to explain why the Tenant confronted him. S.A. stated that he was very frightened by the incident and called the police immediately. The incident was recorded by the video surveillance in the elevator, although no audio was provided.

I.C. testified that the Tenant was afforded an opportunity to watch the video surveillance of the November 5, 2014 incident. As a precaution, the Landlord had police in attendance. When the Tenant saw the police he became very agitated, and was subsequently handcuffed. A search of the Tenant resulted in the police finding a knife on the Tenant. I.C. stated that the staff were very concerned that the Tenant brought a knife to this meeting. According to I.C., the building now has security which will continue until the Tenant vacates the rental unit.

I.C. submitted that it would be unfair and unreasonable to have the other people continue to live with such significant disturbances and that it would be unfair, unreasonable and unsafe to wait for a notice to end tenancy under section 47 to take effect.

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, the Tenant has unreasonably disturbed other occupants, assaulted another occupant and threatened his life, and cause the staff in the rental building to be afraid.

I find the Tenant has significantly breached the tenancy agreement and the *Act* by unreasonably disturbing other occupants in the building. Based on this conclusion, I find that the Landlord has established sufficient cause to end this tenancy.

I find it would be unreasonable to wait for a one month notice to end tenancy to take effect. I grant the Landlord's application to end this tenancy early.

Therefore, I grant the Landlord an Order of Possession effective **one (1) day** 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. As the Tenant has paid rent for the month of December 2014, the Landlord must prorate the month and return any excess rent payment to the Tenant.

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*.

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Dated: December 02, 2014

Residential Tenancy Branch

