



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

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

## **DECISION**

Dispute Codes: ET

### Introduction

This hearing was convened in response to the Landlord's Application for Dispute Resolution, in which the Landlord applied to end the tenancy early and for an Order of Possession.

The Agent for the Landlord stated that on January 09, 2015 the Application for Dispute Resolution, the Notice of Hearing, and several documents the Landlord wishes to rely upon as evidence were sent to the rental unit, via registered mail. The Agent for the Landlord cited a tracking number that corroborates this statement. In the absence of evidence to the contrary, I find that these documents have been served in accordance with section 89 of the *Residential Tenancy Act (Act)*; however the Tenant did not appear at the hearing.

### Issue(s) to be Decided

Should this tenancy end early and should the Landlord be granted an Order of Possession, pursuant to section 56(1) of the *Act*?

### Background and Evidence

The Program Manager stated that she received a report regarding an incident that occurred on October 10, 2014, in which the Tenant told an employee that he believed she was possessed by demons and he subsequently threatened to harm her.

The Landlord submitted a witness statement from this employee, in which the employee alleges the Tenant threatened to kill her while they were riding the elevator together. In the statement the witness declared that she monitored the Tenant's activities, via camera, after this incident and that she observed him interact aggressively with another occupant of the residential complex.

The Program Manager stated that she received a report regarding an incident that occurred on December 12, 2014, in which the Tenant told an employee that he suspected she was "in league with Satan" and that he grabbed the employee's arm and took her "staff keycard" from her.

The Landlord submitted a witness statement from this employee, in which she alleges the Tenant grabbed her forcefully by her right arm; that he ripped the key from her left hand; and that he pushed her back into the elevator prior to exiting the elevator.

The Program Manager stated that she received a second report regarding an incident that occurred later in the day on December 12, 2014, in which the Tenant was found in the hallway of the 8<sup>th</sup> floor, semi-clad, and appeared to have stabbed himself in the neck and chest.

The Landlord submitted a witness statement from an employee who witnessed a portion of this incident. She declared that the Tenant was naked from the waist down; that when she arrived on the 8<sup>th</sup> floor with the police the Tenant was holding a part of a police baton; that he did not drop the weapon at the direction of the police; and that the police shot him on two occasions with bean bag rounds.

The Program Manager stated that the Tenant was arrested by police on December 12, 2014 and is prohibited from attending the residential complex by court Order.

The Program Manager stated that she received a report regarding an incident that occurred on December 18, 2014, in which the Tenant was witnessed at the front of the residential complex shouting and waving his arms; that he was observed attempting to access the complex found through emergency exits; and that the Tenant was "detained" by police.

The Landlord submitted a witness statement from an employee who witnessed the incident on December 18, 2014. In her statement she declared that she observed the Tenant at the front of the residential complex "yelling and waving his arms around" and that he asked a security guard to provide him access to the complex through a rear door.

### Analysis

Section 56(2)(a) of the *Act* authorizes me to end the tenancy early and to grant an Order of Possession in any of the following circumstances:

- The tenant or a person permitted on the residential property by the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property
- The tenant or a person permitted on the residential property by the tenant has seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant
- The tenant or a person permitted on the residential property by the tenant has put the landlord's property at significant risk
- The tenant or a person permitted on the residential property by the tenant has engaged in illegal activity that has caused or is likely to cause damage to the landlord's property
- The tenant or a person permitted on the residential property by the tenant has engaged in illegal activity that 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
- The tenant or a person permitted on the residential property by the tenant has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord
- The tenant or a person permitted on the residential property by the tenant has caused extraordinary damage to the residential property.

On the basis of the undisputed evidence, I find that the incidents described in the witness statements occurred on the dates listed. I find it reasonable to conclude that these incidents, as described, unreasonably disturbed or significantly interfered with employees of this residential complex.

Section 56(1) of the *Act* stipulates that a landlord can apply for an order that ends the tenancy on a date that is earlier than the tenancy would end if a notice to end tenancy were given under section 47 of the *Act* and that a landlord may apply for an Order of Possession for the rental unit.

Section 56(2)(b) of the *Act* authorizes me to grant an Order of Possession in these circumstances only if 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.

Given the level of violence associated with these incidents and the potential for injury to an employee or another occupant, I find it is unreasonable to wait for a notice to end the tenancy under section 47 to take effect. In reaching this conclusion I was influenced, to some degree, by the evidence that indicates the Tenant is not complying with a court Order that prohibits him from attending the residential complex.

For these reasons, I grant the Landlord's application to end this tenancy early and for an Order of Possession.

### Conclusion

I grant the Landlord an Order of Possession that is effective immediately. This Order may be served on the Tenant, filed with 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: January 19, 2015

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Residential Tenancy Branch