



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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

DECISION

Dispute Codes: *ET*

Introduction

This hearing dealt with an application by the landlord pursuant to section 56 of the *Residential Tenancy Act*, for an order to end the tenancy early and obtain an order of possession.

The landlord testified that he served the tenant with the notice of hearing and application for dispute resolution by three different methods. On April 10, 2015, the landlord posted the package on the tenant's door and also sent it by registered mail.

The tenant was arrested on April 08, 2015 and was being held in the pretrial center. The landlord delivered the hearing package to the pretrial center and on April 28, 2015, the landlord received a call from the tenant. The tenant acknowledged receipt of the package and informed the landlord that he would make attempts to attend the hearing. The tenant did not participate in the conference call hearing. I found that the tenant had been served with notice of the landlord's claim and the hearing proceeded in the tenant's absence.

Issues to be Decided

Does the landlord have reason to put an early end to tenancy?

Background and Evidence

The landlord testified that on April 08, 2015, the tenant was walking around in the hallway outside his rental unit carrying a hammer and banging on the doors of the other residents. One of the residents opened his door and was struck by the tenant with the hammer to the head. The tenant proceeded to enter the apartment of the victim and used the hammer to destroy the victim's belongings. The tenant also struck the glass window and shards of glass landed in the parking lot.

The building manager noticed the falling glass from the floor that houses the tenant's rental unit and proceeded to check what was going on.

Upon arrival, she noticed the tenant with the hammer in hand by the elevators, causing damage to the elevator buttons. The manager found the victim lying on the floor of his apartment injured and bleeding. The manager called 911.

The police had to use bean bag guns to get the tenant to comply with their orders. The other residents of the floor witnessed the incident and expressed fear for their safety, to the building manager. The tenant is currently in custody awaiting trial. The landlord filed copies of media reports of the incident and in the interest of the safety of the other residents of the building and the employees of the landlord, has applied for an order to put an early end to this tenancy.

Analysis

Based on the above facts and in the absence of any contradictory evidence, I am satisfied that the tenant's behaviour and activities have seriously jeopardized the safety and security of the manager and the other residents. In the circumstances it would be unreasonable and unfair to require the landlord to wait for a notice to end the tenancy under s. 47 to take effect and therefore I find that the landlord is entitled to an order for possession.

A formal order has been issued and may be filed in the Supreme Court and enforced as an order of that Court.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenant.

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: May 01, 2015

Residential Tenancy Branch

