



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

ET and FF

Introduction

This hearing was scheduled in response to the Landlord's Application for Dispute Resolution, in which the Landlord has applied to end the tenancy early, for an Order of Possession, and to recover the fee for filing this Application for Dispute Resolution.

The Agent for the Landlord stated that on July 02, 2015 the Application for Dispute Resolution, the Notice of Hearing, and all the documents submitted to the Residential Tenancy Branch as evidence for these proceedings were served to the Tenant, at the rental unit, via registered mail. The Landlord submitted Canada Post documentation 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)* and they were accepted as evidence for these proceedings.

The hearing proceeded in the absence of the Tenant.

Issue(s) to be Decided

Is the Landlord entitled to end this tenancy early and to an Order of Possession on the basis that the tenancy is ending early, pursuant to section 56(1) of the *Residential Tenancy Act (Act)*?

Background and Evidence

The Agent for the Landlord stated that this tenancy began on June 20, 2014.

The Agent for the Landlord stated that the Landlord wishes to end this tenancy early for these reasons:

- on April 14, 2015 the Tenant kicked the wall on the fourth floor of the residential complex, which damaged the wall;
- on April 14, 2015 the Tenant wrote graffiti on the door of another suite in the residential complex and dumped food on the door handle of that door;

- on May 07, 2015 the Tenant was punching and kicking the exterior of the building, although he did not damage the building;
- on May 13, 2015 the Tenant assaulted another occupant of the residential complex in the elevator of the complex by dumping flour on her, throwing coffee at her, and slapping her in the face;
- the Tenant is under court Order to have no contact with the victim of the May 13, 2015 assault, however he continues to bother her when he sees her in the common areas of the residential complex;
- the victim of the May 13, 2015 assault was in the elevator with the Tenant sometime in early June of 2015, at which time he threatened to harm her and made lewd comments, which will not be repeated in this decision;
- the victim of the May 13, 2015 assault told him that he fears the Tenant; and
- on June 28, 2015 the Tenant was seen physically removing another occupant of the residential complex from his rental unit and that he then threw a large television out of his room, which smashed on the floor.

Analysis

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 the landlord may apply for an Order of Possession for the rental unit. 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.

Section 56(2)(b) if 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.

After considering all of the evidence and in the absence of evidence to the contrary, I find that the Tenant has significantly interfered with or unreasonably disturbed another occupant of the residential property. Specifically, I find that the Tenant physically assaulted two occupants of the residential complex; that he continues to threaten one of the occupants in spite of a court Order that prohibits him from contacting the individual; and that he has vandalized the door of an occupant of the residential complex.

I find that the Tenant's behaviour is highly inappropriate and places other occupants of the residential complex at significant risk. I therefore find that it would be unreasonable in these circumstances to wait for a One Month Notice to End Tenancy, served pursuant to section 47 of the *Act*, to take effect. I therefore grant the Landlord's application to end this tenancy early.

I find that the Landlord's Application for Dispute Resolution has merit and that the Landlord is entitled to recover the \$50.00 fee for filing this Application.

Conclusion

I grant the Landlord an Order of Possession that is effective two days after it is served upon the Tenant. This Order may be served on the Tenant, filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

The Landlord is granted a monetary Order, in the amount of \$50.00, in compensation for the fee paid to file this Application for Dispute Resolution. In the event that the Tenant does not comply with this Order, it may be served on the Tenant, filed with the Province of British Columbia Small Claims Court and enforced by that Court.

Dated: July 29, 2015

Residential Tenancy Branch