



Dispute Resolution Services

Page: 1

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 is the Landlord's Application for Dispute Resolution, seeking orders to end the tenancy early and be granted an order of possession.

The landlord's agent attended the hearing. As the tenant did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (the "Notice") was considered.

The Residential Tenancy Branch Rules of Procedure states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The landlord's agent testified the Application for Dispute Resolution and Notice of Hearing were served by posting to the door of the rental unit on June 23, 2015.

Under section 89(2) of the Act, an application pursuant to section 56 of the Act, early end of tenancy, is permitted to be served by the above method.

Section 90 of the Act determines that a document served in this manner is deemed to have been served three days later. I find that the tenant has been duly served in accordance with the Act.

The landlord's agent gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions to me.

Issues to be Decided

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

Background and Evidence

The landlord's testified that the tenant has been having ongoing behavior problems. The landlord's agent testified that on June 19, 2015 an incident happened that they

seek an early end to the tenancy. The agent stated that the police were involved and the tenant was arrested and charged with uttering threats to cause death or bodily harm, to the outreach worker and to the occupants, jeopardizing the health and safety of the occupants.

The landlord's agent testified that the report from the outreach counsellor reads that when they went to talk to the tenant, they became verbally aggressive. When they tried to maintain a safe distance, the tenant followed them and was threatening to bash their head in. The agent stated that the other occupants tried to get the tenant to stop; however, their lives were also threatened and significantly jeopardized the safety of the occupants.

The landlord's agent testified that the tenant was released on a court bail document not to have any contact with the outreach worker and is not to be on the residential property. The agent stated that the whereabouts of the tenant is not known at this moment; however, it would be unfair to have to wait for a 1 Month Notice to End Tenancy for Cause to take effect as the occupants are fearful of the tenant.

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.

On June 19, 2015, the police attend the residential premises as the tenant threatened to bash the head in of the outreach worker and threatened the lives of other occupants when they attempted to assist. The tenant was arrested and charged with uttering threats to cause death or bodily harm.

I find the tenant has significantly breached the tenancy agreement and the *Act* by seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant. Based on this conclusion, I find that the landlord has established sufficient cause to end this tenancy.

I have also considered whether it would be unreasonable or unfair to the landlord to wait for a one month notice to end tenancy to take effect. The tenant threatened the lives of the outreach worker and the occupants and is currently before the Court, I find any action of violence during a tenancy is not acceptable. 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 **two (2) days** 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.

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*.

Dated: July 27, 2015

Residential Tenancy Branch

