



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Parkbridge Lifestyle Communities Inc.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes            ET, FF

### Introduction

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An early end of tenancy and an order of possession - Section 49; and
2. An Order to recover the filing fee for this application - Section 72.

I accept the Landlord’s evidence that the Tenant was served with the application for dispute resolution and notice of hearing by registered mail in accordance with Section 89 of the Act. The Tenant did not attend the hearing. The Landlord was given full opportunity to be heard, to present evidence and to make submissions.

### Preliminary Matter

The Landlord provided an evidence package to the Residential Tenancy Branch (the “RTB”) on December 4, 2015. This evidence was also provided to the Tenant by registered mail on November 30, 2015. The evidence package contains a video of the Tenant in its yard while the Tenant is apparently unaware of the video being taken.

Rule 3.2 of the RTB Rules of Procedure provides that for an early end to tenancy application the landlord must submit to the RTB all evidence with the application. Rule 3.14 provides that digital evidence intended to be relied on at the hearing must be received by the Respondent and the RTB not less than 14 days before the hearing.

Considering that there may be privacy issues in relation to the video and considering that this evidence was neither provided to the RTB with the application or to the Tenant within 14 days of

the hearing I find that this evidence may not be considered for the purposes of making a determination of the Landlord's application.

#### Issue(s) to be Decided

Has the Landlord substantiated that the tenancy should end early?

Does the Landlord's application have merit?

#### Background and Evidence

The tenancy started on September 2, 2015. Since that time the Tenant has been heard and seen by other tenants to be screaming, yelling and acting aggressively outside its unit. On one occasion the window coverings in the Tenant's unit were seen by a tenant neighbour to be shredded and destroyed. The Tenant has been removed by police on at least three occasions for the disturbance and has been taken to a hospital. On each occasion the Tenant has been released from the hospital and the outbursts have resumed in a more aggressive fashion with outbursts occurring about 2 to 3 times each week to the present time. The other tenants are afraid and have stopped walking anywhere near the Tenant's unit. One tenant has been staying at another location as this tenant's child is afraid to be at home as the Tenant has been banging on the sides of the neighbours' units.

On one occasion prior to the Landlord making this application the Tenant threw an object through another tenant's window breaking the window. The Tenant's behavior has escalated from yelling and shouting at nobody to yelling and shouting at the neighbours. After the incident that occurred on October 31, 2015 several of the neighbours have demanded that the Landlord take immediate action to remove the Tenant. The Landlord requests an early end to the tenancy and an order of possession.

#### Analysis

Section 49 of the Act provides that a landlord may make an application to end a tenancy earlier than it would end if the landlord issued a 1 month notice to end tenancy for cause and obtain an Order of Possession in certain circumstances. It is not necessary for the landlord to issue a notice to end tenancy however the landlord must show, inter alia, that 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 and that 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 for cause to take effect.

Upon consideration of the undisputed evidence before me, I am satisfied that the Tenant has unreasonably disturbed other tenants in the park and due to their fears it would be unreasonable or unfair to the Landlord to wait for a 1 Month Notice to take effect. Accordingly, I find that the Landlord is entitled to an Order of Possession. The tenancy therefore ends and the Tenant must vacate the rental unit two (2) days after service of the Order of Possession provided to the Landlord with this decision.

As the Landlord's application has had merit I find that the Landlord is entitled to recovery of the \$50.00 filing fee.

#### Conclusion

**I grant** an Order of Possession to the Landlord. The Tenant must be served with this **Order of Possession**. Should the Tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

I grant the Tenant an order under Section 67 of the Act for the amount of **\$50.00**. If necessary, this order may be filed in the Small Claims Court 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 *Manufactured Home Park Tenancy Act*.

Dated: December 11, 2015

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Residential Tenancy Branch

