



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, FF

Introduction

This hearing dealt with an application by the landlord seeking to end the tenancy early and obtain an order of possession, and to recover the cost of filing their application. The landlord participated in the conference call hearing but the tenant(s) did not. The landlord presented evidence that the tenant was served with the application for dispute resolution and notice of hearing by having a corrections officer personally serve the tenant as the tenant is in custody. I found that the tenants had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence. The landlord gave affirmed evidence.

Issues to be Decided

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

Is the landlord entitled to the recovery of the filing fee?

Background and Evidence

The landlord gave the following testimony:

The tenancy began on or about March 1, 2014. Rent in the amount of \$336.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$168.00. The landlord stated that on December 3, 2015 the tenant stabbed his son. The landlord stated that the tenant chased his son through the building in view of many of the other

tenants. The landlord stated that there was blood trails throughout the building and many tenants were fearful of the tenant. The landlord stated that the tenant has been charged with attempted murder and is in custody. The landlord stated that the property manager has visited with the tenant in a pre- trial facility. The landlord stated that the tenant asked to have his wallet brought to him and that he is not opposing the landlords' application.

Analysis

The landlord submitted a letter from the tenant requesting his wallet be brought to him in the pre-trial facility and that he is not opposing the landlords' application for an early end to the tenancy and an order of possession.

Section 56 of the Act uses language which is strongly written and it's written that way for a reason. A person cannot be evicted simply because another occupant has been disturbed or interfered with, they must have been **unreasonably** disturbed, or **seriously** interfered with. Similarly the landlord must show that a tenant has **seriously** jeopardized the health or safety or lawful right or interest of the landlord or another occupant, or put the landlord's property at significant risk or that it's **unfair** to the landlord or other occupants to wait for a Notice to End Tenancy.

It is clear to me that the events of December 3, 2015 have met the test as outlined above, and in addition; the tenants own agreement that the tenancy is over entitles the landlord to an early end of tenancy and an order of possession.

The landlord has been successful in their application. The landlord is granted an order of possession.

The landlord is also entitled to the recovery of the \$50.00 filing fee. The landlord is entitled to withhold \$50.00 from the security deposit in full satisfaction of the monetary portion of their application.

Conclusion

The landlord is granted an early end of tenancy and an order of possession. The tenancy is terminated.

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 20, 2016

Residential Tenancy Branch

