



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

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

## **DECISION**

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### Introduction

This hearing dealt with the landlord's Application for Dispute Resolution pursuant to the *Residential Tenancy Act* (the "*Act*") seeking an order to end the tenancy early and receive an order of possession.

Two agents for the landlord (the "agents") attended the teleconference hearing which began promptly at 10:30 a.m. Pacific Time on Thursday, October 27, 2016. The agents gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me.

As the tenant did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (the "Notice of Hearing"), the Application for Dispute Resolution (the "Application") and documentary evidence were considered. The agents provided affirmed testimony that the Notice of Hearing, Application and documentary evidence were served on the tenant by registered mail on September 19, 2016. The agents provided a registered mail tracking number which has been included on the cover page of this Decision for ease of reference. The agents stated that the registered mail package was addressed to the name of the tenant and to the rental unit address and that the tenant has not advised the agents that he was vacating the rental unit. According to the online registered mail tracking website, the registered mail package was marked as "unclaimed" and was returned to the sender.

Section 90 of the *Act* states that documents served by registered mail are deemed served five days later. As a result, and without any other evidence before me to prove to the contrary, I find the tenant was deemed served with the Notice of Hearing, Application and documentary evidence on September 24, 2016.

### Preliminary and Procedural Matter

During the hearing, the agents requested the recovery of the cost of the filing fee if they were so entitled under the *Act*. The filing fee will be addressed later in this Decision.

### Issue to be Decided

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

### Background and Evidence

A copy of the tenancy agreement was submitted in evidence by the landlord. A month to month tenancy began on November 1, 2011. The tenant's portion of subsidized rent is \$422.00 per month according to the agents. The agents affirmed that the tenant did not pay a security deposit at the start of the tenancy.

In support of their Application for an early end to the tenancy the agents testified that the tenant threatened four landlord agents including the building manager, maintenance person, building manager supervisor, and the property portfolio manager. According to the agents, both of which who claimed have been threatened by the tenant, stated that on September 7, 2016, the tenant threatened four landlord agents with physical harm by claiming the tenant would be "smacking heads." The agents affirmed that the tenant also threw a can of paint across the hallway in an act of aggression. In addition, the agents testified that the tenant was so angry that he broke the office door in the rental building by kicking it. The agents stated that they considered the tenant's threats to be real and that the tenant would act upon the threats.

### Analysis

Based on the foregoing, the agents' undisputed documentary evidence and undisputed testimony, and on a balance of probabilities, I find and I am satisfied that the tenant, or a person permitted on the residential property by the tenant, has seriously jeopardized the health and safety of a lawful right or interest of the landlord or another occupant. I am also satisfied that it would be unreasonable and unfair to the landlord or the other occupants to wait for a notice to end tenancy under section 47 of the *Act*.

In addition, I note that as the tenant was deemed served with the Notice of Hearing, Application and documentary evidence, I find this Application to be unopposed by the tenant. Therefore, pursuant to section 56 of the *Act*, I grant the landlord an order of

possession for the rental unit effective not later than **two (2) days** after service of the order of possession on the tenant.

As the landlord's application was successful, I grant the landlord the recovery of the cost of the filing fee in the amount of \$100.00. Pursuant to section 67 and 72 of the *Act* I grant the landlord a monetary order in the amount of **\$100.00**.

### Conclusion

The landlord's application is successful.

The landlord has been granted an order of possession for the rental unit effective not later than two (2) days after service on the tenant. This order must be served upon the tenant and may be enforced through the Supreme Court of British Columbia.

The landlord has been granted a monetary order pursuant to section 67 and 72 in the amount of \$100.00. This order must be served on the tenant and may be filed in the Provincial Court (Small Claims) 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 *Act*. Pursuant to section 77 of the *Act*, a decision or an order is final and binding, except as otherwise provided in the *Act*.

Dated: October 27, 2016

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Residential Tenancy Branch