



# 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**

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### Introduction

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

Four agents for the landlord (the "agents"), the tenant and the tenant advocate attended the teleconference hearing and 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.

Neither party raised any concerns regarding the service of documentary evidence.

### 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. This month to month tenancy began on July 1, 2008.

The landlord has applied for an order to end the tenancy early based on the tenant assaulting another tenant causing bodily harm. Agent S.L. testified that on April 21, 2017 the tenant assaulted K.W. near the elevators causing in a broken eye socket and other injuries to his face resulting in 4 stitches. Agent S.L. stated that the tenant was charged criminally with Assault Causing Bodily Harm. The tenant confirmed that he was charged criminally with Assault Causing Bodily Harm but claims that he was provoked by K.W. who was on a scooter at the time. The tenant alleged that K.W. was

intimidating him with his scooter so he was defending himself and that K.W. has provoked him for three months. The tenant was asked if he had a witness to support that he was acting in self-defence to which the tenant confirmed he did not have a witness. The tenant also testified that he has never contacted the police to advise of his alleged harassment by K.W. and that he thought he was “handling things reasonably”.

### Analysis

Based on the documentary evidence and the testimony provided by the parties during the hearing, and on a balance of probabilities, I find and I am satisfied that the tenant has seriously jeopardized the health or safety of another occupant. In addition, I find that there is sufficient evidence to support that the tenant engaged in illegal activity that has adversely the quiet enjoyment, security, safety and physical well-being of another occupant of the residential property.

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*. I note that I completely disagree with the tenant's assertion that he was handling things “reasonably” by assaulting another occupant in a scooter. Resorting to violence versus requesting a restraining order is not reasonable or acceptable during a tenancy. I find that at the very least, the reasonable response would be to advise the police if the tenant believes they are being harassed or intimidated by an occupant of the building and if needed, seek a restraining order versus attempting to resolve the matter themselves through violence.

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 on the tenant.

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

### Conclusion

The landlord's application is successful.

The landlord is granted an order of possession pursuant to section 56 of the *Act* effective two (2) days after service on the tenant. Should the tenant fail to comply with the order of possession, the order may be enforced through the Supreme Court of British Columbia.

The landlord is granted a monetary order in the amount of \$100.00 which must be served on the tenant. Should the landlord require enforcement of the monetary order, the order may be enforced through the Provincial Court (Small Claims Division).

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: June 6, 2017

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Residential Tenancy Branch