



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

### Dispute Codes:

ET and FF

### Introduction

This hearing was scheduled in response to the Landlord's Application for Dispute Resolution, in which the Landlord has applied to end the tenancy early, for an Order of Possession, and to recover the fee for filing this Application for Dispute Resolution.

The Landlord stated that on May 29, 2017 the Application for Dispute Resolution and the Notice of Hearing were sent to the Tenant, via registered mail, at the service address noted on the Application. The Agent for the Landlord cited a tracking number that corroborates this statement. In the absence of evidence to the contrary I find that these documents have been served in accordance with section 89 of the *Residential Tenancy Act (Act)*; however the Tenant did not appear at the hearing.

On May 11, 2017 the Landlord submitted 2 pages of evidence to the Residential Tenancy Branch. On May 12, 2017 the Landlord submitted 12 pages of evidence to the Residential Tenancy Branch. The Landlord stated that this evidence was served to the Tenant with the Application for Dispute Resolution. In the absence of evidence to the contrary I find that these documents have been served to the Tenant and it was accepted as evidence for these proceedings.

On May 29, 2017 the Landlord submitted 3 pages of evidence to the Residential Tenancy Branch. The Landlord stated that this evidence was not served to the Tenant. As the evidence was not served to the Tenant it was not accepted as evidence for these proceedings.

### Issue(s) to be Decided

Should this tenancy end early, pursuant to section 56(1) of the *Residential Tenancy Act (Act)*?

### Background and Evidence

The Landlord stated that he believes the tenancy should end because the Tenant has been violent to other occupants of the residential complex on at least two occasions.

The Landlord submitted a letter from an occupant of the residential complex, dated April 14, 2017. In this letter the occupant declared that on April 02, 2017 he met the Tenant in the hallway; that they argued about the noise levels in the Tenant's rental unit; that the Tenant pushed him to the ground; and that after the assault the Tenant harassed him by knocking on his door and making inappropriate noises while passing his room.

The Landlord submitted a letter from different occupant of the residential complex, dated February 14, 2017. In this letter the occupant declared that on February 14, 2017 he went to the Tenant's room to complain about noise complaints, at which time he "became violent".

The Landlord submitted a letter from different occupant of the residential complex, dated April 03, 2017. In this letter the occupant declared that on March 28, 2017 he went to the Tenant's room to complain about noise complaints; that a "fight broke out"; and that the occupant received a deep cut on his forehead and a "slight concussion".

The Landlord stated that he believes the situation is escalating, as the Tenant "pulled a knife" in the bar that is located below the rental unit.

The Landlord submitted video recordings that allegedly show the Tenant writing graffiti and threatening other occupants of the rental unit.

### Analysis

Section 56(1) of the *Act* stipulates that a landlord can apply for an order that ends the tenancy on a date that is earlier than the tenancy would end if a notice to end tenancy were given under section 47 of the *Act* and he may apply for an Order of Possession for the rental unit. Section 56(2)(a) of the *Act* authorizes me to end the tenancy early and to grant an Order of Possession in any of the following circumstances:

- 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
- The tenant or a person permitted on the residential property by the tenant has seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant

- The tenant or a person permitted on the residential property by the tenant has put the landlord's property at significant risk
- The tenant or a person permitted on the residential property by the tenant has engaged in illegal activity that has caused or is likely to cause damage to the landlord's property
- The tenant or a person permitted on the residential property by the tenant has engaged in illegal activity that has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the residential property
- The tenant or a person permitted on the residential property by the tenant has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord
- The tenant or a person permitted on the residential property by the tenant has caused extraordinary damage to the residential property.

Section 56(2)(b) if the Act authorizes me to grant an Order of Possession in these circumstances only if 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 under section 47 to take effect.

After considering all of the evidence presented by the Landlord and in the absence of evidence to the contrary, I am satisfied that the Tenant has been violent and threatening to other occupants of the rental unit, which has adversely affected the quiet enjoyment and safety/physical well-being of other occupants of the residential property. Given the level of violence I find that it would be unreasonable in these circumstances to wait for a notice to end the tenancy under section 47 to take effect. I therefore grant the Landlord an Order of Possession that is effective immediately.

I find that the Landlord's application has merit and that the Landlord is entitled to recover the cost of filing this Application for Dispute Resolution.

### Conclusion

I grant the Landlord an Order of Possession that is effective two days after it is served upon the Tenant. This Order may be served on the Tenant, filed with the Supreme Court of British Columbia, and enforced as an Order of that Court.

The Landlord has established a monetary claim, in the amount of \$100.00, in compensation for the fee paid to file this Application for Dispute Resolution and I grant the Landlord a monetary Order in this amount. In the event the Tenant does not voluntarily comply with this Order, it may be served on the Tenant, filed with the Province of British Columbia 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 *Act*.

Dated: June 02, 2017

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Residential Tenancy Branch