



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

The landlord has applied for an order for the early end to the tenancy and an Order of Possession.

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the Tenant by posting to the rental unit on June 26, 2017. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided:

The issue to be decided is whether the landlord is entitled to an Order for the early termination of the tenancy and an Order for Possession?

Background and Evidence

The tenancy began on December 1, 2016. The tenancy agreement provided that the tenant(s) would pay rent of \$375 per month payable in advance on the first day of each month.

The landlord seeks an early end to the tenancy based on an alleged assault of another tenant that took place on June 23, 2017. The landlord provided a written statement from the other tenant. The other tenant is no longer living in rental property.

The tenant was charged with assault as a result of that incident. He testified he is not at fault and the other tenant assaulted him. He further testified that he was initially ordered by the courts that he was not permitted to come back to the property. However as the other tenant has left, the courts have allowed him to return the rental property.

The landlord testified there have been other incidents and she is concerned about the safety of other tenants given the tenant's temper outbursts.

Early Termination of the Tenancy:

Section 56 of the Residential Tenancy Act provides that a landlord may request an Order ending the tenancy that is earlier than the tenancy would end if notice to end were given under section 47 and an order of possession if

56(2) (a) the tenant or a person permitted on the residential property by the tenant has done any of the following:

- (i) significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property;
- (ii) seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant;
- (iii) put the landlord's property at significant risk;
- (iv) engaged in illegal activity that
 - (A) has caused or is likely to cause damage to the landlord's property,
 - (B) 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, or
 - (C) has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord;
- (v) caused extraordinary damage to the residential property, and

(b) 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 [*landlord's notice: cause*] to take effect.

Settlement:

This is a disputed matter. During the hearing the parties reached a settlement and they have asked that I record the settlement pursuant to section 63(2) of the Residential Tenancy Act as follows:

- a. The parties mutually agree to end the tenancy on August 31, 2017 and they asked that the arbitrator issue an Order of Possession for that date.
- b. The tenant shall keep the peace and be of good behavior.
- c. The Tenant acknowledges he is responsible to pay the rent for July and August 2017.

Order of Possession:

As a result of the settlement I granted an Order of Possession effective August 31, 2017.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

This decision is final and binding on the parties.

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: July 17, 2017

Residential Tenancy Branch