



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding RAINCITY HOUSING AND SUPPORT SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET

Introduction

This hearing dealt with the landlord's application pursuant to section 56 of the *Residential Tenancy Act* (the *Act*) for an early end to this tenancy and an Order of Possession.

The tenant did not attend this hearing, although I left the teleconference hearing connection open until 1:46 p.m. in order to enable the tenant to call into this teleconference hearing scheduled for 1:30 p.m. The landlord's representatives attended the hearing and were given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

Landlord Representative GS (the landlord) gave sworn testimony that he posted a 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) on the tenant's door on November 22, 2017. He also testified that he posted the landlords' dispute resolution hearing package and written evidence on the tenant's door on December 11, 2017. The landlord's other representative at this hearing, RT, testified that he witnessed both of these postings on the tenant's door. In accordance with sections 88 and 89 of the *Act*, I find that the tenant was deemed served with these documents on the third day after their posting.

Issues(s) to be Decided

Is the landlord entitled to an early end to this tenancy and an Order of Possession?

Background and Evidence

This tenancy for a subsidized living rental unit in a multi-unit building began on June 12, 2017. The tenant's portion of the subsidized monthly rent is set at \$375.00, payable in advance on the first of each month. The landlord testified that the Ministry responsible for the provision of shelter assistance makes an electronic payment of the tenant's share of the monthly rent directly to the landlord. He testified that this payment has been received for January 2018 for use and occupancy only.

The landlord's written evidence, supported by sworn testimony from both of the landlord's representatives at this hearing, indicated that there have been a number of incidents where the tenant has been involved in violent or threatening interactions with other tenants in the building. The landlord submitted incident reports documenting situations that occurred on July 26, 2017, August 9, 2017, October 17, 2017, and November 24, 2017. Police have been called frequently to attend to the problems presented by the tenant. Some of these incidents involved the tenant's brandishing of weapons, including a machete and a can of bear spray; others involved physical assaults. One of these incidents related to three alleged assaults on other tenants in the building within a three hour period.

The landlord's 1 Month Notice sought an end to this tenancy for cause on the basis that the tenant has:

- *significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property;*
- *seriously jeopardized the health or safety or a lawful right or interests of the landlord or another occupant.*

The landlord's representatives testified that other tenants and the landlord's representatives feel threatened by the tenant's continued presence in this rental property. They maintained that this facility is not equipped to handle the types of threatening and violent behaviours exhibited by the tenant.

Landlord Representative RT, the Building Manager in this facility, testified that there have been additional incidents since the 1 Month Notice was issued and the application for an early end to this tenancy was served to the tenant. He said that the tenant's behaviours have only worsened since she received notice that the landlord was attempting to end her tenancy.

Analysis

Section 56 of the *Act* establishes the grounds whereby a landlord may make an application for dispute resolution to request an end to a tenancy and the issuance of an Order of Possession on a date that is earlier than the tenancy would end if notice to end the tenancy were given under section 47 for a landlord's notice for cause. In order to end a tenancy early and issue an Order of Possession under section 56, I need to be satisfied that the tenant has done any of the following:

- *significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property;*
- *seriously jeopardized the health or safety or a lawful right or interests of the landlord or another occupant.*
- *put the landlord's property at significant risk;*
- *engaged in illegal activity that has caused or is likely to cause damage to the landlord's property;*
- *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;*
- *engaged in illegal activity that has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord;*
- *caused extraordinary damage to the residential property, **and***

it would be unreasonable, or unfair to the landlord, the tenant 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.

Based on the undisputed written evidence and sworn testimony of the landlord's representatives, I find that sufficient evidence has been provided to warrant an end to this tenancy for the reasons outlined in the first portion of section 56, as outlined above. I find that the tenant has significantly interfered with or unreasonably disturbed other occupants in this multi-tenanted building. There is also sufficient evidence to demonstrate that the tenant has seriously jeopardized the health or safety or a lawful right or interests of other occupants in this building.

I furthermore find that the landlord has established that it would be unreasonable and unfair to the landlord and other tenants in this building to allow this tenancy to continue. There is undisputed sworn testimony that incidents involving the tenant have not abated and that this situation cannot continue until such time as the landlord is able to obtain an end to this tenancy on the basis of the 1 Month Notice for cause, issued pursuant to section 47 of the *Act*. The safety concerns presented by the tenant's actions and behaviours are sufficiently serious to justify the landlord's application for an early end to

this tenancy. For these reasons, I allow the landlord's application to end this tenancy early and issue a 2-Day Order of Possession.

As noted above, monthly rent is paid electronically by the Ministry responsible for providing the tenant with shelter assistance and has already been paid for the month of January. In order to enable the Ministry to provide similar assistance for alternate accommodation for the tenant elsewhere for the month of January and given the early date of this hearing in January, the landlord agreed to return the January 2018 shelter assistance payment to the Ministry that made this electronic payment.

Conclusion

I allow the landlord's application to end this tenancy early. I grant an Order of Possession to the landlord effective **two days after service of this Order** on the tenant. Should the tenant fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

I order the landlord to return the electronic shelter assistance payment for January 2018 to the Ministry that made this payment on the tenant's behalf.

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 05, 2018

Residential Tenancy Branch