



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Atira Women's Resource Society  
and [tenant name suppressed to protect privacy]

## **DECISION**

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### Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord to end the tenancy earlier and obtain an order of possession.

The landlord's agent attended the hearing. As the tenant did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered.

The Residential Tenancy Branch Rules of Procedure states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The landlord's agent testified the Application for Dispute Resolution and Notice of Hearing were served in posted to the door of the rental unit on January 16, 2018, at 3:06pm.

Section 90 of the Act determines that a document served in this manner is deemed to have been served three days later. I find that the tenant has been duly served in accordance with the Act.

### Issue to be Decided

Is the landlord entitled to an order of possession?

### Background and Evidence

The tenancy began on August 9, 2016. Rent of \$375.00 is payable of the first of each month.

The landlord's agent testified that they seek to end the tenancy earlier and obtain an order of possession. The agent stated that on December 27, 2017, the tenant broke

into another occupant's rental unit and committed theft of items. Filed in evidence are video clips.

The landlord stated that the police were contacted. The landlord stated that the other occupant does not feel safe with the tenant and the items taken were never returned.

### Analysis

Section 56 of the *Act* allows a landlord to request an order of possession to end the tenancy on a date that is earlier than the tenancy would end if notice to end the tenancy were given under Section 47 (1 Month Notice to End Tenancy for Cause) if one or more of the following applies:

- a) The tenant or a person permitted on the residential property by the tenant has
  - 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, or
  - 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 rental unit or residential property;
- b) And 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.

I am satisfied, based on the undisputed testimony and evidence provided by the landlord's agent, that the tenant has engaged in illegal activity, by entering as residence of another occupant and stealing items, I find the action of the tenant has adversely affected the quiet enjoyment, security, safety or physical well-being of another occupant.

I also find the landlord has established, by their undisputed testimony, that the tenant's behaviour of breaking in and stealing from another occupant it would be unfair to the other occupants of the rental unit to wait for a 1 Month Notice to take effect.

Conclusion

I find the landlord is entitled to an order of possession effective **two days after service on the tenant**. This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be 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 *Residential Tenancy Act*.

Dated: February 13, 2018

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Residential Tenancy Branch