



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PLATINUM PROPERTY GROUP
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

an early end to this tenancy and the issuance of an Order of Possession pursuant to section 56.

The landlord participated in the teleconference, the tenant did not. The landlord gave sworn testimony and provided Canada Post Tracking Information to show that the tenant was served notice of this hearing and the landlords' application by registered mail on September 26, 2018. I am satisfied that the landlords have met the service provisions outlined in section 89 of the Act and that the tenant was deemed served five days later per section 90 of the Act. The hearing proceeded and completed on that basis.

Issue to Decide

Is the landlord entitled to end the tenancy early and an order of possession?

Background and Evidence

The landlords' agent gave the following undisputed testimony. The tenancy began on June 14, 2014 with the monthly rent of \$800.00 due on the first of each month. The agent testified that the subject tenant violently beat another tenant over a dispute about Chinese food. The agent testified that the subject tenant stole another tenant's food and when that tenant confronted the subject tenant, the subject tenant immediately launched into a violent attack. The agent testified that the victim refused to call the police as he is very afraid of the subject tenant. The agent testified that other tenants have also voiced their concern over the subject tenants' aggressive and abusive behavior.

Analysis

When a Landlord makes an application for an early end to tenancy, the Landlord has the burden of proving that:

1. there is cause for ending the tenancy, such as unreasonably disturbing other occupants, seriously jeopardizing the health and safety or lawful right or interest of the landlord and placing the landlord's property at significant risk; and
2. that it would be unreasonable or unfair to the landlord or other occupants to wait for a one month Notice to End Tenancy for cause under section 47 of the Act to take effect.

The landlord provided 4 witness statements along with the interview statement of the victim to support his testimony. In this case, I am satisfied that the landlord has met the burden on this two part test by showing that it would be unreasonable or unfair for a one month Notice to End Tenancy to take effect. Based on the documentation before me, the undisputed testimony of the landlord, and in the absence of any disputing evidence from the tenant, I find that the landlord is entitled to have this tenancy end early and is entitled to an order of possession.

Conclusion

The tenancy is terminated. The landlord is granted an order of possession.

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: October 23, 2018

Residential Tenancy Branch