



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding MCLAREN HOUSING SOCIETY OF BC  
and [tenant name suppressed to protect privacy]

## **DECISION**

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### Introduction

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

The tenant did not attend this hearing which lasted approximately 15 minutes. The teleconference line remained open for the duration of the hearing and the Notice of Hearing was confirmed to contain the correct hearing information. The corporate landlord was represented by their agent MP (the "landlord") who was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

The landlord testified that they served their application for dispute resolution and evidence on the tenant by posting on the tenant's door on May 24, 2019. The landlord provided a Proof of Service form as evidence of service. Based on the evidence I find that the tenant was deemed served in accordance with sections 88, 89 and 90 of the *Act* on May 27, 2019, three days after posting.

### Issue(s) to be Decided

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

### Background and Evidence

This periodic tenancy originally began in October 2013. The rental unit is a suite in a multi-unit building with non-market housing.

The landlord submits that the tenant has acted in an aggressive and threatening manner with the staff and residents of the rental building. The landlord submitted into

written evidence copies of incident reports detailing verbal interactions and warnings issued to the tenant. The landlord gave evidence that they have attempted to work with the tenant to curb their behaviour but pattern of continued hostile behaviour has reached the point where it can no longer be tolerated. The landlord gave evidence that the tenant's hostile behaviour and attitude poses a significant risk of physical harm. The landlord gave evidence that other residents of the rental building have expressed concern and fear for their individual safety. The landlord further detailed incidents where the tenant has threatened the employees of the corporate landlord, have physically interfered with them and caused loud disturbances to the landlord and other residents.

### 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.

An application for an early end to tenancy is an exceptional measure taken only when a landlord can show that it would be unreasonable or unfair to the landlord or the other occupants to allow a tenancy to continue until a notice to end tenancy for cause can take effect or be considered by way of an application for dispute resolution.

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.

I find that the landlord has met their evidentiary onus in this matter. The documentary evidence of the landlord detailing the numerous infractions by the tenant over the recent period of time shows that there is a history of aggressive behaviour and verbal threats against the safety of workers and other residents on the part of the tenant.

I accept the evidence of the landlord that the aggressive interactions and threats have continued and that they create an unreasonable disturbance for the landlord and other residents. I further accept the evidence that the threats by the tenant have escalated into physical interactions which poses a threat to the health and safety of the other residents and landlord.

I find that it would be unreasonable for the landlord and the other residents of this building to wait for a notice to end tenancy to take effect. Accordingly, I issue an Order of Possession to the landlord pursuant to section 56 of the *Act*.

#### Conclusion

I grant an Order of Possession to the landlord effective **2 days after service on the tenant**. Should the tenant or anyone on the premises fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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: June 24, 2019

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Residential Tenancy Branch