



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding SOCIETY FOR CHRISTIAN CARE OF THE
ELDERLY 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 an Order of Possession pursuant to section 56.

The landlord attended the hearing. The landlord had full opportunity to provide affirmed testimony, present evidence, and make submissions.

The tenant did not attend the hearing. I kept the teleconference line open for the duration of the hearing to allow the tenant the opportunity to call. The teleconference system indicated only the landlord and I had called into the hearing. I confirmed the correct participant code was provided to the tenant.

Issue(s) to be Decided

Is the landlord entitled to an early end to this tenancy and an Order of Possession pursuant to section 56?

Background and Evidence

The landlord testified that the tenant has assaulted and threatened another occupant. The landlord testified that the tenant pushed another occupant in an elevator on the property and the tenant threatened to kill her multiple times. The landlord also testified that the tenant attempted to climb the other occupant's balcony to enter her unit without her authorization. The landlord testified that the other occupant is afraid of the tenant.

The landlord testified that the police has responded multiple times regarding the tenant's conduct.

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 testimony of the landlord, I find that the landlord has provided sufficient evidence that the tenant has significantly interfered with or unreasonably disturbed another occupant and has seriously jeopardized the health or safety or a lawful right or interests of another occupant. I find that the tenant has engaged in violent and threatening conduct and it would be unreasonable and unfair for the other occupant to wait for a notice to end the tenancy under section 47 to take effect; accordingly the landlord is entitled to an early end of tenancy and an order of possession effective immediate service upon the tenant pursuant to section 56 of the *Act*.

Conclusion

The landlord is granted an order of possession effective immediate service upon the tenant. The tenancy is terminated.

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: December 19, 2019

Residential Tenancy Branch