



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding COAST FOUNDATION SOCIETY (1974)
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET FF

Introduction

This hearing was convened as a result of the Landlord's Application for Dispute Resolution, made on December 24, 2019 (the "Application"). The Landlord applied for an order of possession pursuant to section 56 of the *Residential Tenancy Act* (the "Act").

The Landlord was represented at the hearing by A.W., an agent, who provided affirmed testimony. The Tenant did not attend the hearing.

The Landlord testified the Notice of Dispute Resolution Proceeding package was served on the Tenant by posting a copy to the door of the Tenant's unit on December 31, 2019. In the absence of evidence to the contrary, I find the Tenant is deemed to have received the Application package on January 3, 2020, in accordance sections 89 and 90 of the *Act*, and with the standing order of the executive director of the Residential Tenancy Branch dated May 24, 2019. The Tenant did not submit documentary evidence in response to the Application.

A.W. was given an opportunity to present evidence orally and in written and documentary form, and to make submissions to me. I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issue

Is the Landlord entitled to an order of possession?

Background and Evidence

On behalf of the Landlord, A.W. confirmed the tenancy began in 2014. Rent is due in the amount of \$375.00 per month. The Tenant did not pay a security deposit. The tenancy agreement includes a crime-free housing addendum.

The Landlord wishes to end the tenancy. A.W. testified that the Tenant's behaviour has become increasingly threatening. In support of the Landlord's request for an order of possession, A.W. referred me to the following:

- a warning letter related to an incident on December 20, 2018, during which the Tenant acted in a threatening manner toward staff;
- a warning letter related to an incident on March 1, 2019, during which the Tenant became physically threatening toward a staff member;
- a warning letter related to an incident on December 3, 2019, during which the Tenant was observed attacking another occupant;
- a warning letter related to an incident on December 11, 2019, during which the Tenant was observed attacking another occupant; and
- three (3) surveillance videos depicting the Tenant physically assaulting other occupants in the elevator on November 8, December 3, and December 11, 2019.

As noted above, the Tenant did not attend the hearing to dispute the Landlord's evidence.

Analysis

Based on the unchallenged documentary evidence and affirmed oral testimony, and on a balance of probabilities, I find:

Section 56 of the *Act* permits a landlord to end a tenancy on a date that is earlier than the tenancy would end if notice to end the tenancy were given under section 47 of the *Act*. The circumstances which permit an arbitrator to make these orders are enumerated in section 56(2) of the *Act*, which states:

The director may make an order specifying an earlier date on which a tenancy ends and the effective date of the order of possession only if satisfied...

(a) The tenant or a person permitted on the residential property by the tenant has done any of the following:

- (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;*
- (iii) put the landlords 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 residential property, and*

(b) 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 [landlord's notice: cause] to take effect.

[Reproduced as written.]

In this case, I find that the Tenant's behaviour, which includes multiple physical assaults of other occupants and threatening behaviour towards staff, has significantly interfered with or unreasonably disturbed other occupants and the Landlord, and has seriously jeopardized the health or safety or a lawful right or interest of the Landlord and other occupants. Further, I find it would be unreasonable or unfair to the Landlord to wait for a notice to end the tenancy under section 47 of the *Act*.

I find the Landlord is entitled to an order of possession, which will be effective two (2) days after service on the Tenant. In addition, having been successful, I grant the Landlord a monetary order in the amount of \$100.00 in recovery of the filing fee paid to make the Application.

Conclusion

The Landlord is granted an order of possession, which will be effective two (2) days after service on the Tenant. The order of possession may be filed in and enforced as an order of the Supreme Court of British Columbia.

The Landlord is granted a monetary order in the amount of \$100.00. This order may be filed in and enforced as an order of the Provincial Court of British Columbia (Small Claims).

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 16, 2020

Residential Tenancy Branch