



Dispute Resolution Services

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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

Introduction

On June 19, 2020, the Landlord submitted an Application for Dispute Resolution under Section 56 of the *Residential Tenancy Act* (the “Act”) requesting that the tenancy end early and for an Order of Possession for the rental unit. The matter was set for a participatory hearing via conference call.

The Landlord attended the conference call hearing; however, the Tenant did not attend at any time during the 21-minute hearing. The Landlord testified that the Notice of Dispute Resolution Proceeding and related evidence was posted to the Tenant’s door on June 19, 2020. The Landlord also provided a signed Proof of Service and as such, I find that the Tenant is deemed to have received the Notice of Expedited Hearing - Dispute Resolution Proceeding on June 22, 2020, in accordance with Sections 89 and 90 of the Act.

Rule 7.3 of the *Residential Tenancy Rules of Procedure* states if a party or their agent fails to attend a hearing, the Arbitrator may conduct the dispute resolution hearing in the absence of that party, or dismiss the Application, with or without leave to re-apply.

As the Tenant did not call into the conference, the hearing was conducted in their absence and the Application was considered along with the affirmed testimony and evidence as presented by the Landlord.

Issue to be Decided

Is the Landlord entitled to an early end of tenancy and an Order of Possession pursuant to Section 56 of the Act?

Background and Evidence

The Landlord provided testimony that the month-to-month tenancy began on July 1, 2019, that the monthly rent was \$375.00 and due on the first of each month.

The Landlord stated that there have been three incidents where the Tenant has significantly interfered with or unreasonably disturbed another occupant of the residential property; and, seriously jeopardized the health and safety of another occupant; and, engaged in illegal activity that has adversely affected the quiet enjoyment, safety and physical well-being of other occupants of the residential property.

The Landlord testified that, on May 9, 2020, another tenant of the residential property reported that they were physically assaulted by the Tenant in the stairwell of the property. This incident had very few details and no evidence to support.

On June 9, 2020, management of the residential property received information that the Tenant entered another tenant's rental unit, assaulted them with an umbrella, stole their personal property and threatened to kill them. There is a police file related to this incident.

On June 15, 2020, the Tenant physically assaulted another tenant on the ninth floor of the residential property. The Landlord forwarded a video as evidence. The video shows the Tenant beating another tenant multiple times with a hammer. This incident is being investigated by the police.

As a result of the Tenant seriously jeopardizing the health and safety of other occupants in the residential property, the Landlord is requesting an early end of tenancy and an Order of Possession.

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 to request an Order of Possession on a date that is earlier than the tenancy would end if a Notice to End Tenancy were given under section 47 of the Act. 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.

The causes for ending the tenancy early, as listed above, are identical to the causes for which a landlord can end a tenancy by serving a One Month Notice to End Tenancy for Cause. The difference between this process and a determination on whether the landlord has the grounds to end the tenancy for cause is that when a landlord seeks to end the tenancy earlier than would occur had a One Month Notice to End Tenancy for Cause been served, the landlord must also prove that it would be unreasonable or unfair to the landlord or other occupants to wait for the One Month Notice to End Tenancy for Cause to take effect. In other words, the situation created by the tenant must be extreme and require immediate action.

Based on the undisputed testimony and evidence before me, I am satisfied that the Landlord has grounds to end this tenancy for cause, specifically, that the Tenant has seriously jeopardized the health and safety of other occupants by assaulting them.

I find that it would be unreasonable for the Landlord to wait for a Notice to End Tenancy for Cause, under section 47 of the Act, to take effect as there is a genuine concern for the ongoing safety of the other residents of the residential property.

Therefore, I find that the Landlord has provided enough evidence to justify an early end to this tenancy. As such, I find that the Landlord is entitled to an Order of Possession.

Conclusion

Pursuant to Section 56 of the Act, I grant the Landlord an Order of Possession to be effective two days after the Order is served on the Tenant. Should the Tenant 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: July 08, 2020

Residential Tenancy Branch