



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding ATIRA PROPERTY MANAGEMENT  
INC. and [tenant name suppressed to protect privacy]

## **DECISION**

### **Dispute Codes:**

ET

### **Introduction**

This hearing was convened in response to the Landlord's Application for Dispute Resolution, in which the Landlord has applied to end the tenancy early and for an Order of Possession.

The Agent for the Landlord stated that on October 05, 2020 the Dispute Resolution Package and evidence the Landlord submitted to the Residential Tenancy Branch was sent to the Tenant, via registered mail, at the rental unit. The Landlord submitted a Canada Post receipt that corroborates this statement. In the absence of evidence to the contrary, I find that these documents have been served in accordance with section 89 of the *Residential Tenancy Act (Act)*.

As the aforementioned documents have been properly served to the Tenant, the hearing proceeded in the absence of the Tenant and the evidence was accepted as evidence for these proceedings.

The Agent for the Landlord affirmed that she would provide the truth, the whole truth, and nothing but the truth.

### **Issue(s) to be Decided**

Is the Landlord entitled to end this tenancy early and to an Order of Possession on the basis that the tenancy is ending early, pursuant to section 56(1) of the *Residential Tenancy Act (Act)*?

## Background and Evidence

The Agent for the Landlord stated that:

- she believes the Tenant has been residing in the rental unit since 2014, which is before the Landlord began managing the premises;
- there is a long history of problems with this tenancy;
- there is a common bathroom on the residential property;
- each Tenant is provided a key to the bathroom, which is typically locked;
- a Tenant must purchase a replacement key if they lose the key to the bathroom;
- on October 01, 2020 the Tenant asked an employee, who is also a tenant, to unlock the common bathroom;
- the employee went to the common bathroom in response to the Tenant's request;
- as the employee was reaching into his pocket for the bathroom key, the Tenant struck him twice in the face;
- the employee noted that the door to the bathroom was already unlocked and he left the area immediately after being hit;
- the Tenant urinated into a container that was outside the bathroom door;
- she viewed the aforementioned activity on the surveillance camera after it was reported by the employee;
- the employee was not significantly injured; and
- the employee did not wish to report the incident to the police.

## Analysis

Section 56(1) of the *Act* stipulates that a landlord can apply for an order that ends the tenancy 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* and he may apply for an Order of Possession for the rental unit. Section 56(2)(a) of the *Act* authorizes me to end the tenancy early and to grant an Order of Possession in any of the following circumstances:

- The tenant or a person permitted on the residential property by the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property
- The tenant or a person permitted on the residential property by the tenant has seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant
- The tenant or a person permitted on the residential property by the tenant has put the landlord's property at significant risk

- The tenant or a person permitted on the residential property by the tenant has engaged in illegal activity that has caused or is likely to cause damage to the landlord's property
- The tenant or a person permitted on the residential property by the tenant has 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
- The tenant or a person permitted on the residential property by the tenant has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord
- The tenant or a person permitted on the residential property by the tenant has caused extraordinary damage to the residential property.

On the basis of the undisputed evidence, I find that the Tenant assaulted an employee of the Landlord on October 01, 2020, by striking him twice in the face. I find it reasonable to conclude that this significantly interfered with or unreasonably disturbed this employee, who is also a tenant of the residential complex. I therefore find that the Landlord has established grounds to end the tenancy pursuant to section 56(1) of the *Act*.

Section 56(2)(b) if the *Act* authorizes me to grant an Order of Possession in these circumstances only if 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 to take effect.

I find that assaulting an employee and/or a tenant is entirely unacceptable. In my view it would be unreasonable a notice to end the tenancy under section 47 to take effect, as the delay could potentially result in further violence. I therefore grant the Landlord's application for an Order of Possession, pursuant to section 56 of the *Act*.

### Conclusion

Based on these findings I grant the Landlord an Order of Possession that is effective two days after it is served upon the Tenant. This Order may be served on the Tenant, filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

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 22, 2020

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Residential Tenancy Branch