



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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

DECISION

Dispute Codes ET, FFL

Introduction

On November 17, 2020, the Landlord submitted an Application for Dispute Resolution under the *Residential Tenancy Act* ("the Act") for an early end of tenancy and an order of possession for the rental unit.

This matter was set for hearing by telephone conference call at 9:30 am on this date. The Landlords' agents ("the Landlord") attended the hearing; however, the Tenant did not. The line remained open while the phone system was monitored for ten minutes and the Tenant did not call into the hearing during this time.

The Landlord testified that the Tenant was served with the Notice of Dispute Resolution Proceeding in person at the rental property on November 25, 2020. The Landlord provided a proof of service document.

I find that the Tenant was served with notice of the hearing in accordance with sections 89 and 90 of the Act and failed to attend the hearing to respond to the notice.

The hearing proceeded. The Landlord was provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions at the hearing.

Issue to be Decided

- Does the Landlord have sufficient reason to end the tenancy early?

Background and Evidence

The Landlord testified that the tenancy began on November 1, 2018, as a six-month fixed term tenancy that continued thereafter on a month to month basis. Rent in the

amount of \$375.00 is to be paid to the Landlord by the first day of each month. The Landlord provided a copy of the tenancy agreement.

The Landlord testified that on November 13, 2020 there was an incident involving the Tenant where he thrashed his rental unit damaging the appliances and walls.

The Landlord testified that the Tenant entered the common area of the property and damaged tables and chairs and threatened people by pulling out a knife. The Landlord testified that the Tenant also threw objects at staff and removed a fire extinguisher from the wall and discharged it at staff.

The Landlord testified that the police removed The Tenant from the property, but he was later released, and returned to the residential property.

The Landlord provided photographs taken of the Tenant during the incident. The photos show the Tenant brandishing a knife and discharging a fire extinguisher.

The Landlord testified that the Tenant presents a danger to the Landlord and to others in the 35-unit residential building.

Analysis

Section 56 of the *Act* provides that a Landlord may make an application for dispute resolution to request an order 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 and granting the Landlord an order of possession in respect of the rental unit. If an order is made under this section, it is unnecessary for the Landlord to give the Tenant a notice to end the tenancy.

Under section 56 of the *Act*, the director may end a tenancy and issue an order of possession only if satisfied, in the case of a Landlord's application, the Tenant or a person permitted on the residential property by 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 interest 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,

- 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
- 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 or other occupants of the residential property, to wait for a notice to end the tenancy under section 47 to take effect.

Based on the evidence above, the testimony of the Landlord, and on a balance of probabilities, I find that the Tenant is responsible for an incident on November 13, 2020 where he damaged the residential property and threatened staff with a weapon.

I find that the Tenant 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 and 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 be issued and take effect. Therefore, I am ordering that the tenancy will end immediately. This tenancy is ending.

I find that the Landlord is entitled to an order of possession, effective one day after service on the Tenant pursuant to section 56 of the Act. This order may be filed in the Supreme Court and enforced as an order of that Court. The Tenant is cautioned that costs of such enforcement are recoverable from the Tenant.

The Landlord waived the claim to recover the cost of the filing fee.

Conclusion

The Tenant engaged in physical violence and 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. I find 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 to be issued under section 47 of the Act. The tenancy is ending immediately.

The Landlord is granted an order of possession effective one (1) day after service on the Tenant.

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 07, 2020