



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      ET

### Introduction

This hearing was convened in response to an application by the Landlord for an early end to the tenancy and an order of possession pursuant to section 56 of the *Residential Tenancy Act* (the “Act”).

The Tenants did not attend the hearing. I accept the Landlord’s evidence that each Tenant was served with the application for dispute resolution, notice of hearing and all evidence (the “Materials”) by posting the Materials on the Tenants’ door on January 20, 2021 in accordance with Section 89 of the Act. Section 90 of the Act provides that a document served in accordance with section 89 of the Act is deemed to be received if posted, on the 3rd day after it is posted. Given the service evidence I find that the Tenants are deemed to have received the Materials on January 23, 2021. The Landlord was given full opportunity to be heard, to present evidence and to make submissions.

### Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

### Background and Evidence

The tenancy started on October 26, 2019. Rent of \$1,200.00 is payable on the first day of each month. At the outset of the tenancy the Landlord collected \$600.00 as a security deposit. The Landlord’s agent JB (the “Agent”) resides in the house containing the unit.

On January 7, 2021 at 4:00 a.m. the Agent awoke to noise and saw Tenant JR moving quickly away from the Agent's car and towards its own unit entrance. Later that morning while heading out to attend a hearing between the Parties, the Agent discovered its car had flat tires. The Landlord provides a copy of the mechanic repair report indicated that the tires had been cut by a knife. The Landlord and Agent believes that the Tenant was responsible for the damage. On January 21, 2021, after the Agent had served the Tenants with the Materials, Tenant JR assaulted the Agent by hitting the Agent in the face with a piece of firewood. The police took the Agent to the hospital for medical help and Tenant JR was charged with assault, uttering threats and mischief. The Tenants have not paid any rent for December 2020, January 2021 and February 2021.

### Analysis

Section 56(2)(a)(iv)(B) of the Act provides that 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, in the case of a landlord's application, 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, 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 [*landlord's notice: cause*] to take effect. Given the undisputed evidence of the tire slashing and assault, with evidence of criminal charges for the assault, I find that the Landlord has substantiated that Tenant JR has engaged in illegal activity that has adversely affected the security and physical well being of the Agent. Given the very serious nature of the two incidents I find that the Landlord has substantiated that Tenant JR poses an immediate and severe risk to the Agent. The Landlord is therefore entitled to an early end to the tenancy and an order of possession.

Conclusion

**I grant** an Order of Possession to the Landlord effective two days after service of the Order on the Tenants. The Tenants must be served with this **Order of Possession**. Should the Tenant fail to comply with the order, the order may be filed in 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 Act.

Dated: February 12, 2021

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Residential Tenancy Branch