



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding PHS COMMUNITY SERVICES  
SOCIETY and [tenant name suppressed to protect privacy]

## **DECISION**

**Dispute Codes**      ET

### **Introduction**

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* ("the *Act*") for an early end to this tenancy and an Order of Possession pursuant to section 56.

The tenant did not attend this hearing, although I left the teleconference hearing connection open until 11:11 a.m. in order to enable the tenant to call into this teleconference hearing scheduled for 11:00 a.m. The landlord's agent, JL ("landlord") attended the hearing and both were given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. During the hearing, I also confirmed that the landlord's agent and I were the only ones who had called into this teleconference.

The landlord's agent testified that the tenant was personally served with the landlord's application for dispute resolution package and evidence on May 27, 2021. In accordance with sections 88 and 89 of the *Act*, I find the tenant duly served with the landlord's Application and evidence. The tenant did not submit any written evidence for this hearing.

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

Is the landlord entitled to an Order of Possession pursuant to section 56?

### **Background and Evidence**

While I have turned my mind to all the documentary evidence properly before me and the testimony provided in the hearing, not all details of the respective submissions and / or arguments are reproduced here. The principal aspects of this application and my findings around it are set out below

This month-to-month tenancy began on December 15, 2020, with monthly rent set at \$375.00, payable on the first of the month. The landlord collected a security deposit in the amount of \$187.50, which the landlord still holds.

The landlord filed this application as the tenant has been involved in multiple incidents involving violence or threatening behaviour towards staff and other residents in the building. The landlord included log notes, video footage, as well warning letters of incidents, which include an incident on April 15, 2021 when the tenant had a physical fight with another resident in the common areas, and further incidents on the weekend of May 1 and 2, 2021 when the tenant was aggressive with several residents and staff members. The landlord testified that 34 residents live in the building. There are 13 full time staff members who work in the building, with 2 to 3 staff on site at a time.

The landlord's agent expressed serious concerns about the tenant's behaviour which has continued despite several warnings, and the safety of the staff as well as other tenants residing at the building.

### **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 the issuance of an Order of Possession on a date that is earlier than the tenancy would end if a notice to end the tenancy were given under section 47 for a landlord's notice for cause. 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.*

Based on the evidence and sworn testimony before me, I find that sufficient evidence has been provided to warrant an end to this tenancy for several of the reasons outlined in section 56, as outlined above. I find that the tenant has seriously jeopardized the health or safety or a lawful right or interests of the landlord, their staff, and other residents by continuing to act in an aggressive and threatening manner despite being repeated warnings. The landlord is seeking an Order of Possession as the landlord is concerned that the tenant had engaged in multiple incidents that involve threatening behaviour or physical violence, and the likelihood that the tenant will continue to act in this manner.

The second test to be met in order for a landlord to obtain an early end to tenancy pursuant to section 56 of the *Act* requires that a landlord demonstrate that "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" for cause to take effect. On this point, I find that the reasons cited by the landlord for circumventing the standard process for ending a tenancy for cause meet the test required to end this tenancy early as this matter pertains the immediate safety of the landlord, the numerous staff who work closely with the tenants in the building, and other tenants or occupants who reside there. I find that the landlord has provided sufficient evidence to support that the tenant has acted in a threatening manner towards others.

The threatening nature of the incidents that have taken place within a short period of time is quite worrisome. I note that the tenant has chosen to not appear at this hearing, nor has the tenant provided any contrasting accounts by way of written evidence. The main reason for the urgent nature of this application is the immediate risk to the safety of the landlord, their agents and staff, and other occupants and their guests, and I find that the landlord has provided sufficient evidence to support this. I find that the landlord had clearly highlighted the potential volatility that the landlord and other residents may face if this tenancy continues.

Under these circumstances, I find that it would be unreasonable and unfair to the landlord to wait for a 1 Month Notice to End Tenancy for Cause to take effect. For these reasons, I find that the landlord has provided sufficient evidence to warrant ending this tenancy early. I issue a two day Order of Possession to the landlord.

**Conclusion**

I grant an Order of Possession to the landlord effective **two days after service of this Order** on the tenant(s). Should the tenant(s) 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: June 14, 2021

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Residential Tenancy Branch