



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding City of Vancouver  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      ET

### Introduction

This hearing was convened as a result of the Landlord's Application for Dispute Resolution. The Landlord applied for an early end to the tenancy, pursuant to section 56 of the *Residential Tenancy Act* (the "Act").

The Landlord was represented at the hearing by two agents. The Tenant appeared at the hearing for the first 10 minutes, then suddenly disconnected. At the start of the hearing, the Tenant confirmed that he received the Landlord's application, Notice of Hearing, and all evidence. No issues were raised with respect to service of the Landlord's documentation. The Tenant was willing and able to proceed to speak to all of the evidence presented. The Tenant did not submit any documentary evidence.

Both parties were provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me. I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

### Preliminary Matters

After approximately 10 minutes, the Tenant became hostile and aggressive in the hearing, and refused to wait his turn to speak. After a brief discussion, the Tenant disconnected, after stating he would go to the police with his complaints about the Landlord. The Tenant did not attend the hearing long enough to have an opportunity to present any testimony or evidence on the material points.

The hearing continued for another 20 minutes and the Tenant never reconnected. The Landlord was given a chance to present all relevant testimony and evidence and the hearing was terminated after that point.

### Issue(s) to be Decided

- Does the Landlord have cause to end the tenancy early?

### Background and Evidence

The Landlord stated that the Tenant has mental health challenges, and over the last few months, he has been “recalled” to the hospital several times. The Landlord stated that the Tenant’s aggressive and hostile behaviour has escalated over the past couple months.

The Landlord stated that the police have been called on numerous occasions over the past few months because the Tenant has physically damaged the building, threatened staff, and caused safety concerns. The Landlord pointed to a couple more serious incidents to highlight what has happened. The Landlord provided a comprehensive evidence package speaking to all of these issues, and provided warnings, reports, photos, and documentation supporting what has gone on. The Landlord noted that there have been around 15 incidents with the Tenant in the last couple months.

More specifically, the Landlord pointed to an incident on April 12, 2021, where the Tenant verbally threatened another Tenant’s life. The Landlord stated that he was speaking with the Tenant in the building on April 12, 2021, and the Tenant specifically said that he was going to kill one of the other Tenants in the building, later that week. The Landlord pointed to the incident report completed that day by the building manager. The Landlord noted that the police came later that day and apprehended the Tenant under the *Mental Health Act*, but he was released shortly thereafter. The Landlord stated that since that time, the Tenant has ripped signs off the walls of the building, allowed known drugs users into the complex, spit on public surfaces in defiance of COVID protocols, and has further harassed building staff while working at the desk. This has gone on right up to this hearing date.

The Landlord stated that the Tenant’s behaviour has escalated in a manner that causes serious concern for the safety and wellbeing of all staff, and other Tenants.

The Tenant disconnected from the call before he was given a chance to respond to the above noted allegations.

### Analysis

An early end of tenancy is an expedited and unusual remedy under the Act and is only available to the landlord when the circumstances of a tenancy are such that it is unreasonable or unfair to a landlord or other residents to wait for a notice to end tenancy to take effect, such as a notice given under Section 47 of the Act for cause. Therefore, in this case the Landlord bears a strict burden to prove with sufficient evidence that the tenancy should end early Section 56 of the Act.

An application for an early end of tenancy under section 56 of the Act is reserved for situations where a Tenant poses an immediate and severe risk to the rental property, other occupants, or the Landlord. An application for an early end of tenancy is such that a Landlord does not have to follow the due process of ending a tenancy by issuing a notice to end tenancy which gives the Tenant the right to dispute the Notice by applying for dispute resolution.

Under section 56 of the Act, the director may end a tenancy and issue an order of possession only if satisfied, there is sufficient cause; 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.

I have carefully considered the undisputed evidence before me and I find the Tenant's behaviour is significant and severe enough as to warrant an early end to the tenancy, pursuant to section 56 of the Act. I find the Tenant's verbal threats, combined with his physical aggression towards the building, poses an immediate and severe risk to other occupants and the Landlord/property. I accept the undisputed testimony and evidence demonstrating that the Tenant has threatened to kill others in the building, which is a serious cause for concern, and a safety risk. I find the escalation and continued aggression is concerning, and warrants an expedited end to this tenancy. As such, I find the Landlord is entitled to an order of possession.

### Conclusion

The Landlord has met the burden to prove the tenancy should end early.

The Landlord is granted an order of possession effective **two days after service** on the Tenant. This order must be served on the Tenant. If the Tenant fails to comply with this

order the Landlord may file the order with the Supreme Court of British Columbia and be 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: June 22, 2021

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Residential Tenancy Branch