



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution filed under the Residential Tenancy Act (the "Act") seeking an order to end the tenancy early and obtain an order possession of possession, pursuant to section 56 of the Act.

The hearing was conducted via teleconference and was attended by the landlord's agent. The agent gave affirmed testimony at this hearing.

The landlord's agent testified the tenant was served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* by personally serving the tenant on May 27, 2021, which was witnessed. Filed in evidence is a copy of the proof of service.

Based on the testimony of the landlord's agent, I find that the tenant has been sufficiently served with the documents pursuant to the *Act*.

Issue to be Decided

Is the landlord entitled to end the tenancy early and obtain an order of possession, **pursuant to Section 56 of the Act?**

Background and Evidence

The tenancy began November 2014. Current rent in the amount of \$730.00 was payable on the first of each month. A security deposit of \$325.00 was paid by the tenant.

The landlord's agent testified that on May 5, 2021, the tenant assaulted a female occupant of the building. The agent stated the occupant was waiting for the elevator

when the male tenant called her over and grabbed the Lanyard keychain around her next pulling her down to the ground causing injury. The agent stated as a result of the assault the occupant had to receive medical treatment, which included having staples in her head and a concussion. The agent stated the tenant has been charged with an assault and they believe they have a court appearance in July 2021.

The landlord's agent testified that the assault has significantly impacted the occupant as they live across from the tenant. The agent stated the occupants does not feel safe and the occupant is not leaving their rental unit, which they would normally sit in the lobby to socialize. The landlord stated that they are concerned for the occupant's safety as this was an unprovoked attack.

Filed in evidence is a video which show the tenant grabbing the lanyard keychain that is around the neck of the occupant and forcefully pulling the occupant by the neck.

Analysis

Section 56 of the *Act* allows a landlord to request an order of possession to end the tenancy on a date that is earlier than the tenancy would end if notice to end the tenancy were given under Section 47 (1 Month Notice to End Tenancy for Cause) if one or more of the following applies:

- a) The tenant or a person permitted on the residential property by the tenant has
 - i. Significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property,
 - ii. Seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant, or
 - iii. Put the landlord's property at significant risk;
 - iv. engaged in illegal activity that
 - a) Has caused or is likely to cause damage to the landlord's property,
 - b) 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
 - c) Has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord;
 - v. caused extraordinary damage to the rental unit or residential property;

- b) 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 am satisfied, based on the undisputed testimony and evidence provided by the landlord's agent that the tenant has **seriously jeopardized the health or safety or a lawful right or interest of the** landlord or another **occupant**.

In this case, the landlord has provided a video of the tenant assaulting another occupant. This was an unprovoked attack on the occupant causing injuries to the occupant's head, which required medical attention.

I also find the landlord has established, by their undisputed testimony, that it would be unfair to the landlord or occupant to wait for a One Month Notice to take effect. In this case, the occupant was physically assaulted by the tenant. The occupant no longer feel safe in the building and does not feel safe to do their normal activities. I find this is reasonable when assaulted.

I find the landlord is entitled to an order of possession, pursuant to **section 56** of the Act, 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. The **tenant is cautioned** that costs of such enforcement are recoverable from the tenant.

Conclusion

I find the landlord is entitled to an order of possession, pursuant to **section 56** of the Act, effective **two days 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: June 17, 2021

Residential Tenancy Branch