



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Victoria Cool Aid Society and  
[tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      ET

### Introduction

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

Both parties attended the hearing and were given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses. The corporate landlord was represented by its agents with agent KV primarily speaking (the "landlord").

The parties were made aware of Residential Tenancy Rule of Procedure 6.11 prohibiting recording dispute resolution hearings and the parties each testified that they were not making any recordings.

As both parties were present service was confirmed. The tenant testified that they received the landlord's materials and have not served any evidence of their own. Based on their testimonies I find the tenant duly served in accordance with sections 88 and 89 of the *Act*.

### Issue(s) to be Decided

Is the landlord entitled to an early end of the tenancy and Order of Possession?

### Background and Evidence

While I have turned my mind to all the documentary evidence and the testimony of the parties, not all details of the respective submissions and arguments are reproduced here. The principal aspects of the claim and my findings around each are set out below.

This periodic tenancy began on September 1, 2020. The rental unit is a room in a Single Room Occupancy building with approximately 27 rooms. The current monthly rent is \$375.00 payable on the first of each month.

The landlord submits that the tenant has engaged in hostile aggressive interactions with other several other occupants of the building. The landlord submitted into documentary evidence their incident logs about a series of altercations where the tenant is seen and reported bullying, name calling and shoving another occupant of the property. These incidents are reported by the other occupant, third-party witnesses, and the landlord's agents. The landlord testified that the hostilities have been occurring since the other occupant began residing in the rental property in early 2021 and has continued since that time.

The landlord also submits a report made by a female occupant of the building that the tenant entered their room on July 4, 2021 "and tried to force himself on her sexually". The landlord testified that they have reviewed the video footage of the common areas of the rental unit to confirm that the tenant did enter the female occupant's room at the time described.

The landlord submits that the tenant's unacceptable behaviour has continued despite attempts at intervention and multiple warnings being issued. The landlord said that the other occupants of the building have expressed concern and fear for their personal safety due to the conduct of the tenant. The landlord said that the tenant's behaviour has continued unabated and believe it would be unfair and unreasonable to the other occupants of the SRO to allow the tenant to continue residing in the rental unit.

The tenant disputes the incidents recorded in the landlord's documentary materials and says that they have faced accusations about their conduct in the past. The tenant disputes that there have been violent altercations with the other occupant of the property or an incident of sexual assault. The tenant says that as the reports of the incidents submitted into evidence by the landlord have redacted personal information they are unable to identify who has reported the alleged incidents or to speak to them.

### 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 notice to end the tenancy were given under section 47 for a landlord's notice for cause.

An application for an early end to tenancy is an exceptional measure taken only when a landlord can show that it would be unreasonable or unfair to the landlord or the other occupants to allow a tenancy to continue until a notice to end tenancy for cause can take effect or be considered by way of an application for dispute resolution.

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 totality of the evidence before me, including the testimonies of the parties and documentary materials, I find that the landlord has provided sufficient evidence to show that the tenant has significantly interfered with and unreasonably disturbed other occupants of the residential property and the landlord.

I am satisfied with the preponderance of documentary evidence by way of incident reports that there have been multiple violent, hostile and aggressive actions on the part of the tenant. I do not find the tenant's suggestion that these incident reports are fabricated or record false information to be believable given the multitude of incidents cited by a number of different witnesses including the landlord's agents.

I am satisfied on a balance of probabilities that the tenant has engaged in hostile and aggressive behaviour directed at other occupants of the property. The tenant disputed that they have acted violently but testified that they have had difficulties with the other occupant identified. I find it reasonable to accept the landlord's evidence by way of their testimony and documentary materials that the tenant has acted in a manner that has caused significant interference with and unreasonable disturbance of other occupants.

I accept the landlord's evidence that the tenant's conduct has escalated over the course of this tenancy and they are now receiving reports of physical violence and sexual assault. I find that it would be unreasonable and unfair to the other occupants of the 27-suite building to allow the tenant to remain in their rental unit until such time as a notice to end tenancy under section 47 takes effect. Accordingly, I issue an Order of Possession pursuant to section 56 of the *Act*.

### Conclusion

I grant an Order of Possession to the landlord effective **2 days after service on the tenant**. Should the tenant or anyone on the premises 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: August 13, 2021

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Residential Tenancy Branch