



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BC HOUSING MANAGEMENT
COMMISSION and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET, FFL

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 the issuance of an Order of Possession pursuant to section 56; and
- authorization to recover the cost of filing this application from the tenant pursuant to section 72.

Only the landlord's agent appeared at the hearing. The agent provided affirmed testimony and was provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me.

The agent testified and supplied documentary evidence that he served the tenant with the Notice of Hearing and Application for Dispute Resolution by registered mail, sent on September 2, 2021. The landlord provided tracking information from Canada Post including the receipt. In accordance with sections 89 and 90 of the Act, I find the tenant has been deemed served five days after mailing on September 7, 2021. The landlord also posted a copy of the Notice of Hearing Document and Application to the tenant's door on September 2, 2021. I have reviewed all evidence and testimony before me that met the requirements of the rules of procedure; however, I refer to only the relevant facts and issues in this decision.

Issues(s) to be Decided

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

Background and Evidence

The landlords agent gave the following testimony. This tenancy began on July 1. 2018 with the current monthly rent of \$328.00 due on the first of each month. The agent provided this synopsis as part of his application:

In the morning on July 25th, 2021 tenant got irate and verbally abusive towards BC Housing staff. Around 10 AM same day tenant forcible confined two-years-old child (visiting grandchild of another tenant). As police responded to the 911 call and attempted to enter Jerald's unit, he stabbed two police officers and injured one more. Jerald was tasered, arrested and taken to the hospital. Tenant's behaviour clearly demonstrate serious danger he represents to the other residents and/or staff.

The agent testified that the family whose child was abducted is extremely fearful that the tenant may seek retribution for being tasered and arrested. The agent testified that the tenant has been criminally charged and subsequently incarcerated. The agent testified that as a result of the tenants' behaviour and aggression, other tenants are also concerned about the safety of the building. The landlord seeks an order of possession and the end of this tenancy.

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. 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.

The landlord provided video evidence, documentation, and undisputed testimony to demonstrate that the tenant is a significant risk to the safety of other tenants, staff and to the building. The landlord provided clear and concise evidence to illustrate the frightening behaviour of the tenant and his blatant disregard for public safety even when police attended.

Based on the above, I find that the landlord is entitled to have this tenancy end early and grant them an order of possession. The tenancy is terminated. The landlord is also entitled to a monetary order of \$100.00 for the recovery of the filing fee.

Conclusion

The landlord is granted an order of possession and a monetary order for \$100.00. The tenancy is terminated.

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: September 21, 2021

Residential Tenancy Branch