



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding ATIRA PROPERTY MANAGEMENT  
INC and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      ET

### Introduction

This hearing dealt with the landlord's application for dispute resolution made on May 2, 2022, seeking remedy under the Residential Tenancy Act (Act) for:

- an order ending the tenancy earlier than the tenancy would end if a notice to end the tenancy were given under section 47 of the Act [landlord's notice for cause].

The landlord's agents, the tenant, and the tenant's mental health professional attended the hearing, and the hearing process was explained. The tenant confirmed receipt of the landlord's application and evidence.

The tenant did not submit evidence for the hearing.

All parties were provided the opportunity to present their affirmed testimony, to refer to their documentary evidence, and make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the RTB Rules. However, not all details of the submissions and or arguments are reproduced here; further, only the evidence specifically referenced and relevant to the issues and findings in this matter are described in this Decision.

Words utilizing the singular shall also include the plural and vice versa where the context requires.

Issue(s) to be Decided

Is the landlord entitled to end this tenancy early without the requirement of a One Month Notice to End Tenancy?

Is the landlord entitled to an Order of Possession of the rental unit?

Background and Evidence

The tenancy started on March 7, 2021, for a monthly rent of \$375. The rental unit is in an apartment building, for subsidized housing and persons with mental health issues, according to the landlord.

In support of their application, the agent submitted that the tenant has done at least one 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 interest of the landlord or another occupant;
- put the landlord's property at significant risk.

When asked to describe the threat to life and/or property that the tenant is posing, the landlord wrote:

*On April 27, the tenant became angry for unknown reasons, and punched the security glass with enough force that it was broken out of the frame, into the front reception desk, knocking over, 3 computer monitors, one of which struck a worker. She then spat on the worker. The front desk staff tried to verbally de-escalate, which only caused her to become more enraged. She then went outside the front door and began punching the glass repeatedly. Since this incident 911 have been called three times*

In support of their application, the landlord submitted a video recording of the incident in question which led to this application.

The landlord's agent testified that due the tenant's violent actions of April 27, 2022, the violence risk assessment team came back to assess the situation. The agent testified

that the violent act of the tenant caused the safety of their staff to be compromised and that their staff have the right to be safe at their place of work.

Tenant's response –

The tenant said that she was not being violent but rather she was demonstrating what her neighbour had been doing for the past 24 hours, banging the wall between their apartments.

The tenant confirmed she was enraged and had been put in a “psych ward”, but that she is now back taking her medications.

The tenant testified that she was frustrated on the day in question and was trying to get help for the tenant next door.

Landlord's rebuttal –

The landlord's agent said that the tenant was angry on the day in question as the delivery of their personal mobility device was delayed and blamed the landlord.

Tenant's surrebuttal –

The tenant testified that she had been sexually assaulted in the building, did not feel safe, and was angry.

Analysis

Based on the relevant oral and written evidence, and on a balance of probabilities, I find as follows:

Section 56 of the Act applies and states:

**Application for order ending tenancy early**

56 (1) A landlord may make an application for dispute resolution to request an order

(a) ending a tenancy on a date that is earlier than the tenancy would end if notice to end the tenancy were given under section 47 [*landlord's notice: cause*], and

(b) granting the landlord an order of possession in respect of the rental unit.

(2) The director may make an order specifying an earlier date on which a tenancy ends and the effective date of the order of possession only if satisfied, in the case of a landlord's application,

(a) the tenant or a person permitted on the residential property by the tenant has done any of the following:

(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;

(iii) put the landlord's property at significant risk; ...

(b) 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 [*landlord's notice: cause*] to take effect.

(3) If an order is made under this section, it is unnecessary for the landlord to give the tenant a notice to end the tenancy.

In order to establish grounds to end the tenancy early under section 56 of the Act, the landlord must not only establish that they have cause to end the tenancy, but that it would be unreasonable or unfair to require the landlords to wait for a notice to end the tenancy under section 47 of the Act to take effect. Having reviewed the video evidence, testimony and other evidence of the landlord, I find that the landlord has met that burden.

I have reviewed the video evidence of the landlord and find it clearly shows the tenant punching out the safety glass separating the staff from persons in the lobby, which in turn hit a member of staff. The tenant was seen shouting and aggressively pointing her fingers at the staff. I also find the landlord submitted sufficient evidence to show that the RCMP have been called to the residential property three times since the incident of April 27, 2022.

As a result, I find the landlord has substantiated that the tenant has seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant, as I find the video supports that the staff feared for their safety.

Therefore, I grant the landlord's application for an order of possession for the rental unit effective not later than **two (2) days** after service on the tenant. I find the tenancy ended the date of this hearing, May 24, 2022, pursuant to sections 56 and 62(3) of the Act.

Conclusion

The landlord's application is successful.

The tenancy ended the date of the hearing, May 24, 2022.

The landlord is granted an order of possession effective two (2) days after service on the tenant.

If it becomes necessary for the landlord to enforce the order of possession of the rental unit, the tenant is cautioned that they may be liable for **bailiff and all other costs**.

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*. Pursuant to section 77(3) of the Act, a decision or an order is final and binding, except as otherwise provided in the Act.

Dated: May 25, 2022

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Residential Tenancy Branch