



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

This hearing was convened in response to an application by the Landlord for an early end to the tenancy and an order of possession pursuant to section 56 of the *Residential Tenancy Act* (the “Act”).

The Tenant did not attend the hearing. I accept the Landlord’s evidence that the Tenant was served with the application for dispute resolution, notice of hearing and evidence (the “Hearing Package”) by posting on the door on June 14, 2022 in accordance with Section 89 of the Act. Section 90 of the Act provides that a document served in accordance with section 89 of the Act is deemed to be received if posted on the door, on the 3rd day after it is posted. Given the evidence of service I find that the Tenant is deemed to have received the Hearing Package on June 17, 2022. The Landlord was given full opportunity to be heard, to present evidence and to make submissions. The Landlord confirms that they have no hearing devices being used for the hearing.

Preliminary Matter

The Landlord, in error, did not set out the dispute unit number in its application. The Landlord provides the number and asks that the application be amended to include the unit number. Given the undisputed evidence of the correct address and noting that this address corresponds with the tenancy documents provided by the Landlord I amend the application to correct the dispute address.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Background and Evidence

The tenancy, confirmed by the Landlord to be under the jurisdiction of the Act, started on September 16, 2020. No security deposit was collected. Rent of \$375.00 is payable on the first day of each month. On May 17, 2022 the Tenant and 3rd parties restrained and assaulted another tenant in the tenant's unit. The Tenant used a bicycle inner tube to strangle the tenant and then threatened the tenant with a machete if the tenant informed anyone of the incident. The tenant reported the matter to the police and is currently residing in another location until the Tenant is no longer in the building. The Landlord seeks an order of possession as soon as possible.

Analysis

Section 56(2) of the Act provides that 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;
- (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 residential property, and
(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.

Given the Landlord's undisputed evidence, I find that the Landlord has substantiated that the Tenant poses an immediate and severe risk to the rental property, other occupant or the landlord and that the Landlord is therefore entitled to an early end of the tenancy and an order of possession.

Conclusion

I grant an Order of Possession to the Landlord **effective two days after service** of the order on the Tenant. The Tenant must be served with this **Order of Possession**.

Should the Tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and 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 Act.

Dated: June 30, 2022

Residential Tenancy Branch