



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding ATIRA WOMEN'S RESOURCE  
SOCIETY and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      ET

### Introduction

This hearing was convened as a result of the Landlord's Application for Dispute Resolution, made on May 13, 2022. The Landlord applied for an order of possession pursuant to section 56 of the Residential Tenancy Act (the Act).

The Landlord was represented at the hearing by JD and AA, agents, who provided affirmed testimony. The Tenant did not attend the hearing.

The Landlord testified the Notice of Dispute Resolution Proceeding package was served on the Tenant by attaching a copy to the Tenant's door on May 17, 2022, and that service in this manner was witnessed by CF. Pursuant to sections 89 and 90 of the Act, I find the Tenant is deemed to have received these documents on May 20, 2022, three days after they were attached to the Tenant's door.

The Tenant did not submit documentary evidence in response to the application.

The Landlord's agents were given an opportunity to present evidence orally and in written and documentary form, and to make submissions to me. I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

### Issue

Is the Landlord entitled to an order of possession?

### Background and Evidence

On behalf of the Landlord, JD testified the Landlord provides supportive housing to the Tenant. JD testified that the tenancy began on November 1, 2021; the Tenant continues to occupy the rental unit. Rent of \$375.00 per month is due on the first day of each month. The Tenant paid a security deposit of \$575.00, which the Landlord holds. A copy of the tenancy agreement was submitted into evidence.

The Landlord wishes to end the tenancy. JD testified that on April 3, 2022, the Tenant assaulted RW, another occupant of the rental property. JD testified that police attended, and the Tenant was provided with a Court date. In the interim, the Tenant was to have no contact with RW, not knock on RW's door, and to remove herself from any space RW was in. JD testified that the Tenant has not complied with these conditions.

In addition, the Landlord submitted a hand-written letter from RW which states she is "having a difficult time having to see and deal with [the Tenant] each day." RW states the Tenant "swears and mutters insults...in passing" and "has come knocking on my door". RW indicated that the Tenant scares her and that she hates living in fear.

The Tenant did not attend the hearing to dispute the Landlord's evidence.

### Analysis

Based on the unchallenged documentary evidence and affirmed oral testimony, and on a balance of probabilities, I find:

Section 56 of the Act permits a landlord to end a tenancy on a date that is earlier than the tenancy would end if notice to end the tenancy were given under section 47 of the Act. The circumstances which permit an arbitrator to make these orders are enumerated in section 56(2) of the Act, which states:

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...

- (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 landlords 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.

In this case, I find it is more likely than not that the Tenant assaulted RW on April 3, 2022. I find that this act, and the ongoing behaviours described by JD, significantly interfered with or unreasonably disturbed RW and seriously jeopardized the health or safety or a lawful right or interest of RW.

Further, given the serious nature of an assault, I find it would be unreasonable or unfair to the Landlord to wait for a notice to end the tenancy under section 47 of the Act.

I find the Landlord has demonstrated an entitlement to an order of possession, which will be effective two (2) days after service on the Tenant.

### Conclusion

The Landlord is granted an order of possession, which will be effective two days after it is served on the Tenant. The order of possession may be filed in 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: June 9, 2022

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Residential Tenancy Branch