



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute codes ET FF

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- an order of possession for an early end to the tenancy pursuant to section 56;
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

The hearing was conducted by conference call. The tenant did not attend this hearing, although I waited until 11:15 a.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 11:00 a.m. The landlord attended the hearing and was given a full opportunity to provide affirmed testimony, to present evidence and to make submissions.

The landlord's application was filed on May 18, 2022. The landlord testified that on May 27, 2022, a copy of the Application for Dispute Resolution including the Notice of Hearing was personally served on the tenant. A witnessed proof of service form was submitted as evidence.

Based on the above, I am satisfied that the tenant was deemed served with the Application for Dispute Resolution and Notice of Dispute Resolution Hearing pursuant to section 89 & 90 of the Act. The hearing proceeded in the absence of the tenant.

During the hearing, the landlord withdrew the application for the filing fee.

Issues

Is the landlord entitled to an order of possession for an early end to the tenancy?

Background & Evidence

The rental unit is a bedroom in a house shared with four other tenants. The tenancy began January 7, 2022, and the monthly rent is \$575.00 payable on the 1st day of each month.

The landlord testified the tenant assaulted another occupant by hitting him in the face with a lamp. The tenant also threatened another occupant with an axe and jabbed the axe into the wall above where the person was sleeping. The tenant also recently tried hitting another occupant with a hockey stick. The landlord has submitted letters from other occupants in regards to the above and other incidents. The landlord also submitted pictures of a car with a smashed in window which was also allegedly done by the tenant using an axe.

Analysis

In accordance with section 56 of the Act, in receipt of a landlord's application to end a tenancy early and obtain an order of possession, an arbitrator may grant the application where the tenant or a person permitted on the property by the tenant has:

- significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property;
- seriously jeopardized the health and safety or a lawful right or interest of the landlord or another occupant;
- put the landlord's property in significant risk;
- engaged in illegal activity that:
 - has caused or is likely to cause damage to the landlord's property;
 - 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
 - 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.

In addition to showing at least one of the above-noted causes, the landlord must also show why it would be unreasonable or unfair to the landlord to wait for a One Month Notice for cause to take effect.

I accept the undisputed testimony and evidence of the landlord and find the tenant has assaulted and threatened other occupants in the rental unit as well as put the landlord's property in significant risk.

In the circumstances I find it would be unreasonable, or unfair to the landlord to wait for a One Month Notice for cause to take effect.

Accordingly, I find that the landlord is entitled to an order for possession effective immediately after service on the tenant.

Conclusion

I grant an Order of Possession to the landlord effective **immediately** after service of this Order on the tenant. Should the tenant 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: June 14, 2022

Residential Tenancy Branch