



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FFL

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord filed under the Residential Tenancy Act, (the “Act”) to end the tenancy early and obtain an order of possession pursuant to section 56 of the Act, and to recover the cost of the filing fee.

Only the landlord’s agent (the “Agent”) appeared. The Agent gave affirmed testimony. The Agent testified that they received an email from the tenant on July 6, 2022, that they had vacated on June 27, 2022. The Agent stated because they do not have any documents that actually end the tenancy they want to proceed with the hearing to ensure the tenant does not return.

As the tenant did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered.

The Residential Tenancy Branch Rules of Procedure states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The Agent testified the Application for Dispute Resolution and Notice of Hearing were sent by registered mail sent on June 20, 2022, and successfully delivered on June 21, 2022. A Canada post tracking number was provided as evidence of service

I find the tenant was served on June 21, 2022, in accordance with the Act.

Issue to be Decided

Should the tenancy end early and is the landlord entitled to an order of possession, pursuant to section 56 of the Act.

Background and Evidence

The tenancy began on May 1, 2022. Rent in the amount of \$750.00 was payable on the first of each month. A security deposit of \$375.00 was paid by the tenant. This is a basement suite that is rented to multiple tenants under their own agreements.

The Agent testified that on or about May 18, 2022, the tenant assaulted the landlord's son who is an occupant living in the basement unit.

The Agent testified that on or about June 7, 2022, the tenant assaulted the other occupant by pushing.

The Agent testified that both of the other occupants are scared of the tenant and when they went to the police station to file their reports on the assaults the police told them that this is a civil matter and that the other occupants should stay elsewhere until the landlord has evicted the tenant.

Filed in evidence are witness statements which support both occupants were assaulted by the tenant.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

Application for order ending tenancy early

56 (1)A landlord may make an application for dispute resolution requesting

(a)an order 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)an order granting the landlord possession 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;

(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.

(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 this case, the tenant has assaulted two other occupants of the residential property. I find the tenant has significant interfered with another occupant of the residential property and seriously jeopardized the health or safety or a lawful right or interest of the other occupants;

In this case, there are multiple tenants that share the residential property under their own agreement, I find it would be unreasonable or unfair to the other occupants of the residential property to have to wait for a notice under section 47 to take effect when they are being assaulted in their own home.

In this case, the tenant has indicated to the landlord that they have vacated the premises. Therefore, I find it reasonable to grant the landlord an IMMEDIATE order of possession. The landlord is to serve a copy of this Order on the Tenant should the tenant return to the property.

As the landlord was successful with their application. I authorize the landlord to keep \$100.00 from the security deposit in full satisfaction of this award.

Conclusion

The landlord is granted an IMMEDIATE order of possession. I authorize the landlord to keep \$100.00 from the tenant's security deposit to recover the cost of the filing fee.

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: July 07, 2022

Residential Tenancy Branch