



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding COAST FOUNDATION SOCIETY  
(1974) and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      ET

### Introduction

This expedited hearing dealt with the landlord's application pursuant to section 56 of the *Residential Tenancy Act* (the *Act*) for an early end to this tenancy and an Order of Possession.

Both parties attended the hearing and were given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses. The corporate landlord was represented by its agents.

As both parties were present service was confirmed. The tenant testified that they received the landlord's materials and had not served any evidence of their own. Based on their testimonies I find the tenant duly served in accordance with sections 88 and 89 of the *Act*.

### Issue(s) to be Decided

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

### Background and Evidence

While I have turned my mind to all the documentary evidence and the testimony of the parties, not all details of the respective submissions and arguments are reproduced here. The principal aspects of the claim and my findings around each are set out below.

The rental unit is a suite in a 51-unit property offering supportive housing managed by the landlord. The tenant has been residing in the unit for a number of years and the current monthly rent is the provincial shelter rate of \$375.00. In addition to a tenancy

agreement there is a Program Agreement and a Behavioural Agreement between the parties setting out what is acceptable conduct.

The landlord submits that the tenant has engaged in ongoing behaviour that breaches the Agreements and is characterized as harassment, assault and interference with the landlord's staff and other occupants of the building. The landlord submitted a log of the incidents involving the tenant from August 2021 onwards showing multiple occurrences of conflicts, verbal altercations and trespassing into other suites. The landlord's agent DM is a manager at the property and testified that the behaviour was ongoing, unabated and escalating in nature culminating in an incident on August 3, 2022 when the police were called and the tenant was arrested for sexual assault charges. They gave evidence that the other occupants of the property are fearful of the tenant and there is currently a no-contact order with the victim of the assault preventing the tenant from attending at the rental property.

The tenant disputes that they have engaged in assault of other occupants. They initially testified that there have been conflicts with others but those have been limited to verbal altercations. The tenant subsequently testified that there was an incident of physical violence occurring in August 2021. The tenant says that incident was because another occupant had taken their items. The tenant later testified that they were unclear which assault the landlord was the basis for the present application as they have been involved in multiple incidents of physical assault. The tenant agrees that they have been arrested due to the incident of August 3, 2022 and says that they are awaiting a court date in November 2022.

### Analysis

Section 56 of the *Act* establishes the grounds whereby a landlord may make an application for dispute resolution to request an end to a tenancy and the issuance of an Order of Possession on a date that is earlier than the tenancy would end if notice to end the tenancy were given under section 47 for a landlord's notice for cause.

An application for an early end to tenancy is an exceptional measure taken only when a landlord can show that it would be unreasonable or unfair to the landlord or the other occupants to allow a tenancy to continue until a notice to end tenancy for cause can take effect or be considered by way of an application for dispute resolution.

In order to end a tenancy early and issue an Order of Possession under section 56, I need to be satisfied that the tenant has done any 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 interests of the landlord or another occupant.
- put the landlord's property at significant risk;
- engaged in illegal activity that has caused or is likely to cause damage to the landlord's property;
- engaged in illegal activity that 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;
- engaged in illegal activity that 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, **and**

it would be unreasonable, or unfair to the landlord, the tenant 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.

Based on the evidence of the parties, including the testimonies and documentary materials, I find sufficient evidence to show there is a serious jeopardy to the health, safety and lawful rights of other occupants of the property.

I find the tenant to be an unreliable witness. They gave testimony which contradicted itself, initially stating they have not been involved in any incidents of physical assault and subsequently testifying that they were confused which incident the landlord was referencing as they have been involved in multiple instances of assault.

I find the testimony of the landlord's agents to be cogent, consistent and supported in the documentary evidence of the incident logs.

Ultimately, I am satisfied with the evidence that there have been instances of physical assault by the tenant. I find there is sufficient evidence including the testimony of the landlord's agents, the documentary incident logs and the testimony of the tenant where they confirmed the events.

I find that physical assault is by nature an act which causes serious jeopardy to the health, safety and lawful rights of others. I am satisfied with the evidence that there have been multiple altercations by the tenant and their behaviour has escalated over the course of the tenancy.

I accept the evidence of the landlord that the conduct of the tenant has caused fear and discomfort among the other occupants generally and especially for the victims of the tenant's assault. I find that it would therefore be unreasonable and unfair to wait for a Notice to End Tenancy to take effect.

I therefore issue an Order of Possession to the landlord pursuant to section 56 of the *Act*.

### Conclusion

I grant an Order of Possession to the landlord effective **2 days after service on the tenant**. Should the tenant or anyone on the premises 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: September 13, 2022

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Residential Tenancy Branch