



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding CITY OF VANCOUVER and  
[tenant name suppressed to protect privacy]

## **DECISION**

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### Introduction

This hearing was convened as a result of the Landlord's Application for Dispute Resolution, made on November 2, 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 AD, an agent, who provided an affirmation at the beginning of the hearing. The Tenant did not attend the hearing.

On behalf of the Landlord, AD testified the Notice of Dispute Resolution Proceeding package was served on the Tenant in person on November 18, 2022. Service in this manner was witnessed by DF. A signed Proof of Service Notice of Expedited Hearing was submitted in support. I find these documents were served on and received by the Tenant on November 18, 2022.

AD was 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 pursuant to section 56 of the Act?

### Background and Evidence

On behalf of the Landlord, AD testified the tenancy began on November 1, 2020. Rent is subsidized and the Tenant pays \$375.00 per month which is due on the first day of each month. The Tenant paid a security deposit of \$187.50, which the Landlord holds.

AD testified that the Tenant assaulted a staff member on September 14, 2022. Police attended and the Tenant was removed from the property. The staff member sustained a head injury, was off work for several weeks, and has not returned to work at the rental property.

More recently, AD described an incident on November 9, 2022, during which the Tenant punched another tenant. Although police attended, the other tenant did not wish to participate further for fear of retaliation by the Tenant. A copy of an Incident Report Form describing the assault on November 9, 2022 was submitted into evidence.

AD testified there have also been other incidents which include verbal assaults and harassment towards staff dating back to December 2021.

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 that the Tenant's behaviours, described in the testimony of AD, significantly interfered with or unreasonably disturbed another occupant or the Landlord, and seriously jeopardized the health or safety or a lawful right or interest of another occupant or the Landlord.

Further, given the violent nature of the Tenant's behaviour, I find it would be unreasonable or unfair for the Landlord to wait for a notice to end the tenancy issued 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: December 2, 2022

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Residential Tenancy Branch