



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

A matter regarding BC HOUSING MANAGEMENT
COMMISSION and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET, FF

Introduction

This hearing convened to deal with the landlord's application for dispute resolution (application) seeking remedy under the Residential Tenancy Act (Act). The landlord applied for an order ending the tenancy earlier than the tenancy would end if a notice to end the tenancy were given under section 47 of the Act and recovery of the cost of the filing fee.

The landlord's agents (landlord) and the tenant attended, the hearing process was explained, and they were given an opportunity to ask questions about the hearing process. All parties were affirmed.

Thereafter the parties were provided the opportunity to present their evidence orally and to refer to relevant documentary evidence submitted prior to the hearing, and make submissions to me. The tenant confirmed receipt of the landlord's application and evidence.

I have reviewed all oral, written, and other evidence before me that met the requirements of the Residential Tenancy Branch (RTB) Rules of Procedure (Rules). However, not all details of the parties' respective submissions and or arguments are reproduced in this Decision. Further, only the evidence specifically referenced by the parties and relevant to the issues and findings in this matter are described in this Decision, per Rule 3.6.

Words utilizing the singular shall also include the plural and vice versa where the context requires.

Preliminary Matters-

The tenant said they dropped off a 2-page letter at the RTB office, which I note was not uploaded or noted on the digital file as being received. The tenant confirmed not serving the landlord with their evidence. As a result, I found it appropriate to exclude that evidence for that reason. I note the tenant did not read from that letter during testimony.

Issue(s) to be Decided

Is the landlord entitled to end this tenancy early without the requirement of a One Month Notice to End Tenancy?

Is the landlord entitled to an Order of Possession of the rental unit and recovery of the cost of the filing fee?

Background and Evidence

The tenancy began June 1, 2020. The rental unit is in a multi-level, multi-unit apartment building.

In their application, the landlord wrote the following:

*As a result of 2 separate incidents over course of 3-4days involving Tenants & Occupants of Unit *** the safety, security & well-being of tenants and site staff is of significant concern & BC Housing property is at risk of further damage. Incidents include an unprovoked assault of another tenant in her unit & SWAT & Police attending to a security threat which displaced numerous tenants which consisted of families with young children. Tenant has history of violating RTA & warnings previously.*

[Reproduced as written except for
anonymizing the rental unit number]

The landlord said they filed this application due to the concerns for the safety of other tenants, the staff, and their building.

The landlord submitted that there have been numerous complaints from other tenants about the behaviour of the tenant and the tenant's children, and that the incidents have been escalating. Since the application was filed, they have now received 21 more complaints from other tenants and requests for relocation.

The incidents which led to this application, according to the landlord, occurred on February 24, 2023 and February 27/28, 2023. In a written statement, the landlord submitted the following, in part:

RE: Expedited Request for Early End of Tenancy Unit (***) (building name), Tenant (name).
Property Portfolio Manager Brief:

The request for expedited early end of tenancy for tenant, (tenant name) of (***) (building name) located at (property address) is further to 3 recent events as detailed in attached ACE Reports and supporting screen shots from CCTV camera footage.

On behalf of BC Housing and as Property Portfolio Manager for the property this request is put forth out of grave concerns regarding the health and safety of the fellow tenants and site staff and damages to the property itself further to the incidents listed below. Concerns that the Tenant may retaliate and/or place fellow tenants at further risk due to their ongoing ignorance to manage behaviour and/or comply with BC Housing Crime Free Addendum Agreement through repeat activities of violence and/or unruly conduct is requested to be considered of utmost importance.

Furthermore, tenant and occupants of Unit (***), (tenant name) et al have a history of complaints filed against them from fellow tenants of (building name) regarding conduct and have been issued multiple letters of warning regarding breaches of the Rental Tenancy Agreement as provided in this filing and have failed to comply.

The events as below are further evidence of the ongoing

1. February 24, 2023 – Assault on fellow tenant of unit (***) by daughter of tenant Unit (***). Tenant of Unit (***) opened her door in response to banging on the door in early hours of morning between 1-4am and was physical assaulted in response. Daughter of Unit (***) was reported as running up and down hallways at all hours disturbing multiple tenants as per supporting documentation and ACE report attached.
2. February 27/28, 2023 – Police incident that involved Unit (***) guest that included threat of a gun in the property which resulted in multiple emergency services response including SWAT. The incident resulted in multiple tenants displaced. Tenants affected included families with young children and their pets and resulted in extensive damage to common property and multiple units as per supporting docs and ACE report attached.

[Reproduced as written except for anonymizing
personal information to protect privacy]

The landlord's evidence included many letters of complaints from other residents of the building, incident reports, video footage of the tenant's teenaged daughter going down the hallway, and photos from the security cameras in the building.

The details from the report regarding the incident on February 24, 2023 is reproduced as follows:

Event Description

[redacted] reported at 4am teen daughter in [redacted] and a few friends of hers were yelling and running in hallway banging on all unit doors. She opened door and asked them what they are doing its 4am and she had her phone camera on. When they seen the camera they can be heard on video saying "shes recording lets kick her ass." Then [redacted] the daughter is seen going towards her and video ended. [redacted] reported that she pushed her down and was punching her in head in her own unit in front of her 2 small children. She then called 911 and police responded and she was taken to hospital by ambulance and has a concussion as result of the assault. Daughter in [redacted] was taken out of building in handcuffs.

[Reproduced as written except for anonymizing personal information to protect privacy]

The letters from other tenants referenced the tenant's and the tenant's two children's ongoing behaviour, including threats of bodily harm, spitting on other tenants by the tenant's son and friends, the tenant's unsupervised teenage children and many friends being drunk and out-of-control on the property, the tenant's unsupervised children and friends aggressively putting their hands on other tenants' children and yelling and chasing them down the hallway, and the many instances of police call-outs to the property.

Tenant's response –

The tenant said that the incident on February 24, 2023, did not involve her, but her daughter. The tenant said that her daughter has mental health issues, which are being addressed now. The tenant submitted that her daughter is being put in foster care to get help.

The tenant submitted that the 2 women on the first floor are getting people to make complaints.

Analysis

Based on the documentary evidence and the testimony during the hearing and on a balance of probabilities, I find the following.

Section 56 of the *Act* indicates:

56 (1) A landlord may make an application for dispute resolution to request an order

(a) 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) granting the landlord an order of possession in respect 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.**

[emphasis added]

Based on the evidence, I find the landlord submitted sufficient evidence that the tenant or persons permitted on the residential property by the tenant have seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant.

I find the landlord submitted sufficient evidence to show that the tenant's teenage daughter physically assaulted another tenant, which caused the police to go to the property to arrest the tenant's daughter, who was handcuffed and taken away. In addition, the camera shots showed the daughter's victim being taken away on an ambulance stretcher along with her two small children. The physical assault resulted in a concussion according to the report.

I also find the landlord's evidence shows a continued and consistent pattern of the tenant, the tenant's boyfriend, and the tenant's children being disruptive and abusive towards other tenants and residents in the building.

When I reviewed the numerous letters from other tenants, I find the tenants presented consistent and convincing concerns of fear for their and their children's safety.

Further, due to the assault by the tenant's teenage daughter on another tenant in front of that tenant's small children, I am also satisfied that it would be unreasonable and unfair to the landlord to wait for a notice to end tenancy under section 47 of the Act.

I therefore find the landlord submitted sufficient evidence that the tenant or a person permitted on the residential property by the tenant seriously jeopardized the health or safety or a lawful right or interest of the landlord or occupant.

I therefore grant the landlord's application to end this tenancy early.

Therefore, pursuant to section 56 of the Act, I grant the landlord an order of possession for the rental unit effective not later than **two (2) days** after service on the tenant. I order the tenancy ended the date of this hearing, March 30, 2023, pursuant to sections 56 and 62(3) of the Act.

If it becomes necessary for the landlord to enforce the order of possession of the rental unit, the tenant is cautioned that they may be liable for **bailiff and all other costs**.

I also grant the landlord recovery of the filing fee of \$100. As a result, I issue the landlord a monetary order in the amount of \$100. If enforcement is necessary, the landlord must serve the tenant a copy of the monetary order. The tenant is cautioned that costs of enforcement are subject to recovery from the tenant.

Conclusion

The landlord's application is successful. I order that the tenancy ended this date, March 30, 2023.

The landlord is granted an order of possession effective two (2) days after service on the tenant.

The tenant is cautioned that should she fail to vacate the rental unit as ordered, she may be responsible for the costs of enforcement, **which include bailiff fees**.

I also grant the landlord a monetary order in the amount of \$100, due to their successful application.

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*. Pursuant to section 77(3) of the Act, a decision or an order is final and binding, except as otherwise provided in the Act.

Dated: March 30, 2023

Residential Tenancy Branch