



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ET

### Introduction

This expedited hearing was scheduled to convene at 9:30 a.m. on May 5, 2023 by way of conference call, concerning an application made by the landlords for an early end to the tenancy as it would be unreasonable, or unfair to the landlord or other occupants to wait for a Notice to End Tenancy for Cause to take effect.

Both named landlords attended the hearing, one of whom gave affirmed testimony. However, the line remained open while the telephone system was monitored for 10 minutes prior to hearing any testimony, and no one for the tenant joined the call. The landlords have provided a Proof of Service document indicating that the tenant was personally served with the hearing package on April 7, 2023 by one of the landlords, with a witness. The landlord also testified that all of the landlord's evidence was served in the hearing package, including a thumb drive with video and audio. I am satisfied that the tenant has been served with the hearing package and evidence in accordance with the *Residential Tenancy Act*.

All evidence provided has been reviewed and is considered in this Decision.

### Issue(s) to be Decided

Have the landlords established that the tenancy should end as it would be unreasonable, or unfair to the landlord or other occupants to wait for a Notice to End Tenancy for Cause to take effect?

### Background and Evidence

The landlord testified that the rental unit was purchased by the landlords for their daughter to reside in, who suffers from some disabilities, and the landlords support her.

The tenant named in this application moved into the rental unit to live with the landlords' daughter in July, 2022. In August, 2022 the landlords required the tenant to pay rent, and although no written tenancy agreement was prepared, the landlords have provided a Shelter Information document for this hearing indicating that the tenant's portion of the rent is \$650.00, and the tenant started paying rent in September, 2022. The tenant has not paid rent for the months of January, 2023 to date.

On December 31, 2022 the tenant was personally served with a One Month Notice to End Tenancy for Cause, and a copy has been provided for this hearing. It is dated December 31, 2022 and contains an effective date of vacancy of January 31, 2023. The tenant agreed to move out, but changed his mind and did not vacate the rental unit.

The tenant is a big guy and has choked and assaulted the landlords' daughter and the tenant was arrested due to the incident on March 30, 2023, and a no contact order was made by the courts. Due to his mental disability, charges were stayed by the Crown.

The tenant disputed the One Month Notice to End Tenancy for Cause on January 11, 2023, as well as a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities and other relief, and the landlords have a cross application seeking an Order of Possession and a monetary order for unpaid rent. The hearing for both applications is scheduled for today at 1:30 p.m.

The tenant left the rental unit on April 1, 2023 due to the no contact order, however April 20, 2023 charges were stayed. On April 21, 2023 the tenant returned to the neighbourhood across the street from the rental unit, and ordered numerous pizzas in the landlord's name on April 24, 2023. As a result of the stayed charges, the landlords fear that the tenant will return to the rental unit, and seek an Order of Possession on an expedited basis.

### Analysis

I have reviewed all of the evidentiary material of the landlords, and considering the undisputed testimony that the tenant has assaulted the landlords' daughter, and has returned to the neighbourhood, that the landlords have cause to be concerned for the safety of their daughter.

Therefore, I grant an Order of Possession in favour of the landlords effective immediately. The tenant must be served with the order, which may be filed in the Supreme Court of British Columbia for enforcement.

Generally, where a tenancy ends for 1 tenant, it ends for all tenants. However, in this case, I find that the landlords' daughter is not a tenant, but has legal authority to occupy the rental unit.

Since the landlords have been successful with the application, the landlords are also entitled to recovery of the \$100.00 filing fee. I grant a monetary order in that amount. The tenant must be served with the order, which may be filed in the Provincial Court of British Columbia, Small Claims division and enforced as an order of that Court.

### Conclusion

For the reasons set out above, I hereby grant an Order of Possession in favour of the landlords effective immediately.

I further grant a monetary order in favour of the landlords as against the tenant pursuant to Section 67 of the *Residential Tenancy Act* in the amount of \$100.00.

This order is final and binding and may be enforced.

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: May 05, 2023

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Residential Tenancy Branch