



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing

A matter regarding CONNECTIVE SUPPORT SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET

Introduction

This hearing convened as a result of the landlord's application for dispute resolution seeking remedy under the Residential Tenancy Act (Act) for an order ending the tenancy early due to urgent health or safety issues pursuant to section 56 of the Act.

The landlord's agent attended the hearing and was affirmed. The tenant did not attend the hearing. For this reason, service of the Application for Dispute Resolution, evidence, and Notice of Hearing (application package) was considered.

The landlord submitted evidence showing the tenant was served the Application for Dispute Resolution, evidence, and Notice of Hearing (NODPR) by personal service on July 4, 2023.

Based on the landlord's evidence, I find the tenant was sufficiently served under the Act and the hearing proceeded in the tenant's absence. I consider this matter to be unopposed by the tenant, as they failed to attend the hearing despite being sufficiently served notice of the hearing.

During the hearing the landlord was given the opportunity to provide their evidence orally and refer to evidence filed in advance of the hearing.

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 submissions and or arguments are reproduced in this Decision. Further, only the evidence 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.

Issue(s) to be Decided

Is the landlord entitled to end the tenancy early and obtain an order of possession for health or safety reasons under section 56 of the Act?

Background and Evidence

The evidence shows this tenancy began in November 2022 and monthly rent was \$375. The rental unit was single room occupancy. The landlord said that the rental unit was in a 2-floor, 65 unit building.

In their application, the landlord wrote the following:

On Tuesday June 27 2023 at 00:16hrs, the tenant (tenant name) approached another tenant (BU) by the South East exit and started to physically assault her. The tenant (tenant name) is holding a metallic object in her hands and swings multiple times at the other resident BU. BU the resident that was assaulted confirms with programs staff that she had multiple cuts on her hands and stomach. The police were called, came on site to investigate File#VA23-107730

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

The landlord submitted a video from the building's security camera clearly showing the assault as well as a critical incident report. The landlord confirmed that the police were called as a result of the assault of another tenant by this tenant. The assault occurred outside the exit stairwell and was on the grounds of the residential property.

Analysis

Based on the relevant oral and written evidence, and on a balance of probabilities, I find as follows:

In order to establish grounds to end the tenancy early under section 56 of the Act, the landlord must not only establish that they have cause to end the tenancy, but that it would be unreasonable or unfair to require the landlord to wait for a notice to end the

tenancy under section 47 of the Act to take effect. Having reviewed the testimony of the landlord, I find that the landlord has met their burden of proof.

Based on the undisputed testimony and evidence of the landlord, I find that the tenant has seriously jeopardized the health or safety or a lawful right or interest of another occupant and has committed an illegal act, assault, that significantly interfered with or unreasonably disturbed another occupant of the residential property.

The video evidence clearly shows the tenant approaching another tenant and their dog, committing a physical assault on the other tenant. This occurred in front of a bystander, and all appeared frightened, the victim, the dog, and the bystander. Based on the physical assault, I am also satisfied that it would be unreasonable and unfair to the landlord and the other occupants of the residential property to wait for a One Month Notice to End Tenancy to take effect.

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

I issue the landlord an order of possession for the rental unit effective not later than **two (2) days** after service on the tenant. I find the tenancy ended the date of this hearing, July 14, 2023, pursuant to sections 56 and 62(3) of the Act.

This order may be enforced through the Supreme Court of British Columbia. 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**.

Conclusion

The landlord's application is successful. I order that the tenancy ended this date, July 14, 2023.

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

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: July 14, 2023

Residential Tenancy Branch