



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards  
Ministry of Housing and Social Development

## **DECISION AND REASONS**

Dispute Codes: ET & FF

### Introduction:

This hearing dealt with an application by the landlord seeking to end this tenancy early pursuant to section 56 of the *Act*. Both parties appeared for the hearing and were provided the opportunity to be heard and respond to the evidence of the other party.

### Issue to be Determined:

Has the landlord established the grounds pursuant to section 56 of the *Act* to end this tenancy early?

### Background and Evidence:

This tenancy began on August 15, 2008 for the monthly rent of \$1,050.00 and a security deposit of \$525.00. In addition to being a tenant of the landlord, the tenant is also an employee as a maintenance person.

The landlord submits that the tenant uttered a threat to injury himself or an employee of the landlord to a case officer with WorkSafeBC after his claim for compensation was denied. The case officer apparently reported the threat to the police who then came to the landlord's employee's for protection until the tenant was detained. These events transpired on January 14, 2009.

As a result of this action the tenant has allegedly been ordered by the Court to have no contact with one of the landlord's employees, a resident manager in a building at 2200 Eaton St, Vancouver, BC. This building is one block from the tenant's current residence in the above noted rental unit. This employee; however, also works occasionally in the building where the tenant resides and is in fear to work at this building. The resident manager currently only goes to the building where the tenant resides if accompanied by another person.

The tenant acknowledged that he currently has a restraining order against him to have no contact with the resident manager and to stay at a minimum of one block away from the building at 2300 Eaton St. The tenant states that he did not utter a direct threat against employee of the landlord, rather, he stated, "Should I kill them or myself" to the case manager after learning that his claim for compensation was being denied. The tenant stated that he is scheduled to appear in court on approximately February 22, 2009 to deal with charges that have been brought against him for the incident of January 14, 2009.

The landlord wishes the tenancy to end on the grounds that the tenant has seriously jeopardized the health and safety of an employee of the landlord and that it is unreasonable that the tenancy should continue after the tenant's actions. The landlord seeks an Order of Possession effective **January 31, 2009**.

Analysis:

Section 56 of the *Act* states:

- 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.
- (3) If an order is made under this section, it is unnecessary for the landlord to give the tenant a notice to end the tenancy.

The tenant has submitted that his comment has been misunderstood and was not a direct threat to anyone. However, it has had very real consequences and I am satisfied that it has been taken seriously and has affected the health and safety of an employee of the landlord and has interfered with the lawful right and interests of the landlord.

I find that this is grounds to end the tenancy and that it would be unfair and unreasonable to the landlord to wait for a notice to end tenancy under section 47 of the *Act* to take effect.

Therefore, I grant the landlord's request for an Order of Possession effective **January 31, 2009 at 1:00 p.m.**

Conclusion:

I grant the landlord's application to end this tenancy early as I am satisfied on the balance of probabilities that the tenant has seriously jeopardized the health and safety of an employee of the landlord and that it is unfair and unreasonable to wait for a one month notice to end tenancy to take effect. Having granted the landlord's application, I Order that the landlord may recover the \$50.00 filing fee paid for this application from the tenant's security deposit plus interest.

Dated January 26, 2009.

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Dispute Resolution Officer