

DECISION

Dispute Codes: OPL, ET, FF

This hearing dealt with an application by the landlord to end tenancy early and obtain an order of possession.

The tenants said that they began their tenancy on November 1, 2002. In July of 2004, the landlord purchased the property with the tenants already living in the basement unit.

On December 28, 2008, tenant BN became angry at the landlord over a thermostat that was taken out of their rental unit. The landlord gave the following evidence with respect to the incident that took place on this day. At the time, BN was intoxicated and banged on the landlord's front door. At one point, he burst into the landlord's front door. The landlord started backing up the stairs and BN followed her up the stairs. During this process, BN repeatedly cursed at the landlord and threatened to kill her and to burn down the house. The landlord became frightened and called 911. Eventually, BN left the landlord's unit. Meanwhile, the police attended the property, arrested BN and detained him overnight. The landlord submitted a business card of the police constable who attended the incident and a police file number. There are pending charges against BN for break and enter and uttering threats. Since this incident, the landlord has suffered from nightmares and the inability to sleep. She has lost 13 pounds in weight. She has missed work. She also feels unsafe living in her own home and would return only if there are others in her home. She has on occasions lived elsewhere because she is in fear of her safety.

The landlord submitted letters from her two roommates, CR and RR. In a letter dated January 7, CR stated that she had frequently seen tenant BN intoxicated and abused illegal substance. In a letter dated January 8, RR stated that on a

few occasions, tenant BN had asked him if he would like to smoke marijuana with him. Both CR and RR indicated that they were aware of the December 28 incident and felt threatened by BN's behaviour and verbal threats.

The landlord's representative and her husband live next door to the property. The husband said that he witnessed the December 28 incident from outside of the landlord's house and gave the following evidence with respect to what he saw. Tenant BN was intoxicated and angry at the landlord. BN banged on the landlord's door. The landlord opened her door slightly and BN had an argument with her right there by the entrance of the landlord's home. BN did not enter the landlord's home at any time.

The landlord refuted the tenants' evidence by stating the following. The police told her their notes contained observations of the inside entrance of her home being wet and with muddy snow and the bottom steps to have footprints. The landlord added that on that day she was wearing slippers in her own home.

The landlord also said that in early January, tenant BP apologized to her on tenant BN's behalf. BP agreed to move out of the rental unit and asked to stay until the end of February. On this occasion, the landlord offered to compile a list of available rental units for the tenants to consider.

I have accepted the landlord's evidence as credible and trustworthy. Based on this evidence, I find that the landlord has proven the need to end the tenancy early under the provisions of section 56 of the *Residential Tenancy Act*. During the hearing, the landlord said that she is seeking for this tenancy to end on January 31, 2009. I grant the landlord an order possession for this date. The tenants must be served with this order. Should the tenants fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

The landlord is also entitled to recovery of the \$50.00 filing fee. I grant the landlord an order under section 67 for the balance due of \$50.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated January 16, 2009.