

Dispute Resolution Services

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

Decision

Dispute Codes: ET, FF

Introduction

This hearing dealt with the landlord's application for an order ending this tenancy early. Despite having been personally served with the application for dispute resolution and notice of hearing on June 18, the tenant did not participate in the conference call hearing.

The tenant submitted a written statement but did not appear at the hearing to enter the statement into evidence and accordingly that statement has not been considered.

Issue(s) to be Decided

Is the landlord entitled to an order ending this tenancy early?

Background and Evidence

The landlord testified that on April 8 he received a telephone call from P.W., another tenant who lives on the same floor as the tenant, advising that the tenant had threatened her and called her a witch. The landlord attended the building and observed the tenant pacing around P.W.'s car. The landlord spoke with the tenant and observed the tenant call P.W. a witch and state "I'm going to get you." The landlord testified that he advised the tenant to stop yelling at other tenants and stop calling them names. The tenant told the landlord that when other tenants were outside the apartment building, they were "free game" and complained that other tenants were practicing witchcraft. The tenant told the landlord that he knew when the other tenants came and left and said he could get them any time.

On June 3 the landlord received a complaint from another tenant, C.S., who said that the tenant shook his finger at her aggressively and accused her of keeping him awake. The police were called and together with the landlord spoke with the tenant. The

landlord testified that C.S. is staying at another location and will not return to the building out of fear for her safety.

The landlord submitted unsworn statements from C.S. and P.W. which gave similar accounts to the landlord's statements.

Analysis

I accept the sworn evidence of the landlord. I consider the tenant's statements "I'm going to get you" and the comment that other tenants were "free game" outside of the building to be threatening. I am satisfied that the tenant's behaviour has unreasonably disturbed other occupants and seriously jeopardized the safety of other occupants.

In the circumstances it would be unreasonable and unfair to require the landlord to wait for a notice to end the tenancy under s. 47 to take effect and therefore I find that the landlord is entitled to an order for possession. A formal order has been issued and may be filed in the Supreme Court and enforced as an order of that Court. I further order the tenant to pay to the landlord the sum of \$50 being the cost of the filing fee paid pursuant to section 59.

Conclusion

The landlord is granted an order of possession and an order for the repayment of the \$50.00 filing fee.

Dated July 03, 2009.
