



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 an application by the landlord to end the tenancy early under section 56 of the Act. The landlord and the tenant both participated in the teleconference hearing.

Issue(s) to be Decided

Has the landlord established cause to end the tenancy early?

Background and Evidence

The tenant resides in a suite in the basement of the landlord's house. The landlord's testimony on the application was as follows. On or about August 14, 2009, the landlord and his daughter were in the basement of their house. They were uncertain whether they had a key for the tenant's rental unit. The landlord's daughter had several keys, so she decided to try to test them. The landlord's daughter unlocked the door, and the tenant threatened to beat the landlord and his daughter with a baseball bat. The landlord called the police, who attended and investigated. The landlord is in fear for his safety and the safety of his family.

The response of the tenant was as follows. The tenant was in the process of getting dressed after a shower when someone opened the door of his suite without notice or warning. The tenant grabbed the baseball bat that he kept next to the door for defence purposes, but he then saw that it was the landlord and his daughter. The tenant explained the situation to the police when they interviewed him, and the tenant was not charged for the incident, as the police were satisfied that he was not uttering threats.

Analysis

Section 56 of the Act provides a remedy that is reserved for situations in which there is a serious measure of urgency, threat of imminent harm or liability risk such that it would warrant the immediate removal of the tenant from the premises without any notice and it falls on the landlord to establish that this is clearly the case.

I find in this case that the landlord has not provided adequate evidence to establish such a threat of imminent harm. The evidence presented by both parties suggested that the landlord improperly opened the tenant's door without knocking or giving any advance notice, the tenant was startled and reacted defensively, and the landlord overreacted to the tenant's action. This does not warrant an early end to tenancy.

Conclusion

The landlord's application is dismissed. As the landlord's application was not successful, he is not entitled to recovery of the filing fee for the cost of his application.