



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes

ET

Introduction

This hearing dealt with an application by the landlord seeking to end this tenancy early pursuant to section 56 of the *Act*.

The Landlord provided affirmed testimony that on October 9, 2009 Notice of this hearing was taped to the door of the rental unit at 5:30 pm with the building manager present. The building manager testified that on October 13, 2009 he was provided with the evidence package which he personally served to the tenant at his rental unit at 9:00 pm.

These documents are deemed to have been served in accordance with section 89 of the *Act*, however the Tenant did not appear at the hearing.

Preliminary Matter

At the commencement of the hearing the Application for Dispute Resolution was amended to correct a clerical error, changing the dispute address to unit 212.

Issue to be Determined

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

Background and Evidence

This tenancy commenced in 2006. The landlord has submitted evidence of on-going problems with bed bugs and on September 29, 2009 issued the tenant a One Month Notice to End Tenancy for Cause, alleging the tenant has put the landlord's property at serious risk as a result of his failure to comply with the requirements for pest treatments.

The property manager testified that on October 7, 2009 she went to the tenant's building to check with each tenant in order to ensure they had properly prepared their rental units for pest treatment that was scheduled to take place the next day. The property

Residential Tenancy Branch
Ministry of Housing and Social Development

manager stated that she knocked on the tenant's door and he did not answer. She then knocked on the door across the hall, with her back to the tenant's door. The property manager stated that the tenant has a security view from his door and could have seen her knocking on the door across the hallway.

The property manager testified that she moved down the hallway, knocking on doors in an attempt to speak with the other occupants when she heard the tenant's door open. The property manager stated that when she turned around she saw the tenant standing in the hallway, naked. She stated that she told the tenant this was a public place and that he must go back in his unit, to which he replied that he was in his home. The tenant then returned to his unit, and seconds later came back into the hallway with only a t-shirt on. The property manager testified that the tenant then swore at her and made a racist comment aimed at her European heritage. The property manager stated that the tenant also said he could do whatever he wanted.

The property manager testified that she is required to attend at this building as a part of her regular duties and that she is now too frightened to enter the building without a male escort. She stated that in fifteen years of work in this industry she has never experienced anything like this and has found the experience to be terribly frightening. The property manager testified that she is fearful and wants to be able to carry out her duties without the need of an escort. The property manager fears the tenant may escalate in his behaviour and that this fear has resulted in her being unable to fully complete her duties. The landlord stated that they did not call the police but immediately applied to end the tenancy.

Analysis

Section 56 of the *Act* allows a tenancy to be ended early without waiting for the effective date of a one month Notice to End Tenancy if there is evidence that the tenant has breached his obligations under the tenancy agreement or *Act* and it would be unreasonable or unfair to wait for the effective date of a one month Notice to End Tenancy.

Based on the testimony I find that the tenant has have significantly breached the tenancy agreement and the *Act* by accosting the property manager in the hallway twice. This behaviour has caused the landlord's employee to feel extremely threatened and has adversely affected the security and safety of the landlord and their staff. The tenant not only confronted the property manager once, but chose to again come into the hallway, partially naked, at which point he verbally intimidated the employee.

Residential Tenancy Branch
Ministry of Housing and Social Development

The landlord's employees possess a right to work in an environment that is free from intimidation and threatening behaviour and the tenant has breached this right. Based on these conclusions I find that the landlord has established sufficient cause to end this tenancy.

Next I have considered whether it would be unreasonable or unfair to the landlord to wait for a one month Notice to End Tenancy to take effect. I have accepted that the tenant has threatened the safety and security of the staff member and that any delay in obtaining an Order of possession based upon a notice to end tenancy would be unreasonable.

I grant the landlord an Order of possession effective **two (2) days** after it is served upon the tenant. This Order may be filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

Conclusion

I have granted the landlord's application to end this tenancy early pursuant to section 56 of the *Act* and I have issued the landlord an Order of possession.

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*.

Dated: October 22, 2009.

Dispute Resolution Officer