

DECISION

Dispute Codes: ET and FF

Introduction

This application was brought by landlord seeking an Order of Possession under section 56 of the *Act*. This section permits such applications in situations where it would be unreasonable for the landlord to wait for an order under section 47 of the *Act* which requires a Notice to End Tenancy of a minimum of 30 days. The landlord also requested recovery of the filing fee for this proceeding.

Issue(s) to be Decided

This application requires a decision on whether the landlord is entitled to an Order of Possession and, if so, the effective date of such order.

Background and Evidence

This tenancy began on January 1, 2009 under a 12 month agreement set to end on December 31, 2009. Rent is \$1,340 per month and the landlord holds a security deposit of \$670.

During the hearing, the newly appointed property manager and a real estate agent gave evidence that the tenant had assaulted them during a visit to the rental unit on October 21, 2009. The property manager gave evidence that the tenant had been informed by email of October 19, 2009 that he, the former property manager and the realtor would be attending the unit to do an inspection on October 21, 2009.

When they arrived, the tenant invited them in. Following the 10-minute inspection, the visiting party were at the door preparing to leave when the realtor attempted to explain to the tenant that he had been engaged by the owner to list the property for sale and anticipated that he would be in contact with the tenant to give 24 hour notice to arrange showings.

At that, according to the evidence of the property manager and the realtor, the tenant become agitated and ordered them to leave the house. The realtor, who said he had not had the opportunity to put on his shoes, said the tenant immediately grabbed him from behind and pushed him out the door, causing him to fall to the ground and hurt his hand. The tenant then picked up the property manager and pushed him out the door.

The tenant said he had taken the action after he had asked them to leave and they had not. The matter was reported to the police who have opened a file.

The property manager submitted into evidence a copy of his contractual agreement with the property manager and a letter announcing his appointment. He said he offered the documents to the tenant who threw them to the ground.

I accept the evidence of the property manager and realtor that they are men of middle age and smaller stature who were well mannered and represented no threat to the tenant, and that both would be fearful to deal with the tenant in future.

Analysis

I find that the tenant has significantly interfered with the landlord's agents and seriously jeopardized the safety of the landlord's agents as contemplated by section 56(2)(a)(i), (ii) and (iv)(C) of the *Act*.

Accordingly, I find that the landlord is entitled to an Order of Possession. The property manager said that he would like to give the tenant reasonable time to find new accommodation and that he would be amenable to permitting the tenant to stay until the end of the month.

Conclusion

Therefore, the landlord's copy of this decision is accompanied by an Order of Possession, enforceable through the Supreme Court of British Columbia, effective at 1 p.m. on November 30, 2009.

I further find that the landlord is entitled to recover the filing fee for this proceeding from the tenant and hereby authorize and order that he may retain \$50 from the tenant's security deposit for that purpose.