



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes: ET, FF

Introduction

This hearing dealt with an application by the landlord pursuant to section 56 of the *Residential Tenancy Act*, for an order to end the tenancy early and obtain an order of possession. The landlord also applied for the filing fee. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be Decided

Is the landlord entitled to end the tenancy early? Is the landlord entitled to the recovery of the filing fee?

Background and Evidence

The tenancy started on February 01, 2009. The rental unit is located in an apartment building. The manager resides in the building. The landlord provides subsidized housing and the tenant's portion of rent is \$328.00 payable on the first of each month.

The landlord testified that in early September, the resident manager approached the tenant as he was about to enter the building with his guest. He informed the tenant that the guest had stayed over for too long and asked the guest to leave the building. The tenant stated that the manager threatened him with eviction and moved towards him in an intimidating manner. The tenant responded with a verbal threat of violence. The manager called the police and the tenant voluntarily left with the police. The guest left on his own. On September 14, the landlord served the tenant with a warning letter regarding this incident.

On September 24, 2010 around 7p.m. the resident manager responded to a knock on his door. A male asked the manager his name and then proceeded to use profanity and utter death threats. The manager shut the door and called the police.

On September 27 the landlord served the tenant with a second warning letter regarding this incident and a notice to end tenancy effective October 31, 2010.

The tenant agreed that he met the person who uttered the threats, in the elevator and told him about his interactions with the manager. He stated that he did not accompany this male to the manager's door nor did he know the identity of this male.

The landlord filed photographs taken by the security system which clearly show the tenant accompanying this person in and out of the elevators between the hours of 6 to 7 p.m. The landlord testified that he feared for the safety, security and physical well being of his staff and accordingly, he applied for early end to tenancy.

Analysis

Based on the above facts and documentary evidence, I am satisfied that the person who threatened the manager was the tenant's visitor and that his behaviour has seriously jeopardized the safety and security of the resident manager. 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 \$50.00, being the cost of the filing fee paid.

Conclusion

I grant the landlord an order of possession effective on or before 1:00 p.m. on October 31, 2010 and a monetary order for \$50.00.

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 13, 2010.

Dispute Resolution Officer