

## **DECISION**

**Dispute Codes:** ET

### **Introduction**

This application was brought by landlord on November 8, 2010 seeking an Order of Possession to end the tenancy early 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 one month.

### **Issue(s) to be Decided**

This application requires a decision on whether the landlord is entitled to an Order of Possession under the requirements of section 56 of the *Act* and, if so, the effective date of such order.

### **Background and Evidence**

This tenancy began in July of 2009. Rent is \$328 per month and there is no security deposit.

During the hearing, the landlord gave evidence that this application was made after the tenant had made two calls to the landlord's offices on November 8, 2010 stating that he

had a gun and a pipe and that he was going to murder some unidentified person or persons. In the first call, the tenant, unable to connect with the regional director, voiced the threat to the director's administrative assistant. On the second call, he was connected and repeated the threat which was heard by three of the landlord's officials on the speaker phone. The tenant also repeated the threat in person to the building manager.

The landlord notified police who attended the rental unit and, after initially being denied entry by the tenant, searched the rental unit and found no weapon.

The tenant submitted into evidence a letter of apology to the regional director. In it, he gave assurance that he had no intention to harm anyone. He stated that he had reached a breaking point after months of disturbances in the complex caused by drug dealing and prostitution. His car had been stolen twice, the more recent occasion being about a week before his call. Matters reached the breaking point on the morning of the call when he had accidentally come upon a drug transaction in the hallway, and was threatened by the dealer who identified himself as a gang member.

The tenant also submitted a copy of the minutes of a tenants' meeting verifying residents' distress over crime and security problems in the 400-unit complex.

The landlord acknowledged that there are serious challenges in managing such a large complex which primarily accommodates hard to house tenants. However, he stated that he had never received written notice from the tenant concerning any specific issue.

## **Analysis**

By uttering threat, I find that the tenant has breached section 56(2)(a)(iv)(B) of the *Residential Tenancy Act* which provides that an Order of Possession for an early end of tenancy may be issued, among other reasons, where the tenant or a person permitted on the property by the tenant, has engaged in illegal activity that:

“ has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the residential property ...”

While it is possible that the threat in question was an exaggeration born of frustration, the potentially tragic consequences of erring in favour of the tenant dictate that I must grant any benefit of doubt to the landlord.

Accordingly, I find that the landlord is entitled to an Order of Possession to take effect at 1 p.m. on November 30, 2010 as requested by the landlord.

## **Conclusion**

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, 2010.

November 17, 2010