



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

A substantial amount of documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for an early end to the tenancy and a request for an Order of Possession.

Background and Evidence

The applicant testified that:

- On January 31, 2012 his agent and a witness went to the respondent's residence to serve her with the Notice to End Tenancy.
- The respondent started screaming through the door and threatened to burn down the house.
- As a result of the threats the RCMP were called and she was arrested.
- She has been charged with uttering threats and a no contact order has also been put in place between her and the upstairs tenant.

- The upstairs tenant fears for her life due to the threats to burn down the house and the ongoing problems with the respondent.

The landlord is therefore requesting an early into this tenancy and an Order of Possession for as soon as possible due to the safety concerns.

The respondent testified that:

- She never threatened to burn down the house; both the landlord's agent and the witness are lying.
- She was arrested and originally was not allowed back to the rental property however a judge has allowed her to go back to the rental property and therefore he obviously believes she is not a threat.
- There are charges pending however she completely disputes the charges and is willing to take it to the Supreme Court.
- There is also a no contact order in place in which she is not to contact the upstairs tenant however this is fine with her as she wants no contact with the upstairs tenant.

Analysis

It is my finding that the respondent poses a safety threat to the other occupants of this rental property.

The landlord has supplied witness statements and court documents that support the claim that the tenant has threatened to burn down the rental property, and although the case has not yet gone to court is my decision that I will not allow this tenancy to continue and possibly put the other tenants lives at risk.

I therefore allow the landlords request for an early into this tenancy and an Order of Possession.

Conclusion

I hereby order an early end to this tenancy and have issued an Order of Possession that is enforceable two days after service on the tenant.

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: February 22, 2012.

Residential Tenancy Branch