



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes**

ET

### **Introduction**

This hearing dealt with the landlord's Application for Dispute Resolution for an end to a tenancy and an Order of Possession.

The hearing was conducted via teleconference and was attended by the landlord and the tenant. The tenant acknowledges receiving the document evidence of the landlord which includes the landlord's narrative of facts, and 3 accompanying statements from other occupants of the residential property – one of which is a sworn witness for the landlord.

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

Is the landlord entitled to an Order of Possession without the requirement of one (1) month's notice, pursuant to 56 of the *Act*?

### **Background and Evidence**

The tenant advised that as they had been charged with certain offences pertaining to this dispute which would proceed to the courts, they had been advised by her counsel not to provide any comments to this hearing pertaining to the charges. The tenant also testified that they have a mental health issues.

The following is undisputed by the parties. On September 10, 2012 the tenant entered the laundry room occupied by the applicant landlord and 2 other occupants of the residential property. The tenant began yelling at the landlord and generally behaved upset and screamed profanities to the landlord that they were a, "fucking cunt and fucking bastard". The parties disagree on the length of time that the tenant's behaviour endured. The tenant claims 30 seconds and that she has good cause to be angry with the landlord, while the landlord claims the tenant yelled and screamed for about 6 minutes and was very threatening. About one hour later the landlord witnessed the tenant smashing his truck with an axe / hatchet – smashing the headlights – and ran outside to confront the tenant. Both parties agree that the tenant made, in the very least, threatening motions toward the landlord and behaved in a threatening manner, whilst holding the axe / hatchet. Police were called and the tenant was arrested and

held. The tenant was released with conditions for no proximity contact between the parties.

The landlord's disputed testimony includes that the tenant, while in their rage threatened them with harm to their person with the axe/hatchet. The tenant testified that they simply advised the landlord, while yelling, that the axe/hatchet could potentially chop off their feet.

The landlord provided a witness:

*Witness KH – neighbour 2 doors from the tenant*

The witness provided sworn testimony and a signed written statement into evidence. The witness primarily read from their statement. The witness testified that they were in the laundry room, along with their daughter, and the landlord on September 10, 2012 when the tenant came into the laundry room. The tenant began screaming at the landlord using profanity and using threatening language, "I will get you", "this is not over". The tenant's "harshes" profanity continued for 5 or more minutes while the landlord stood by. The witness testified they remained silent because the tenant, in her upset, was in the doorway. The witness testified that the incident has shaken their sense of safety, stating "I don't feel safe in the building", and that they are in midst of moving.

**Analysis**

Section 56 of the *Act* allows a landlord to request an end to a tenancy and for an Order of Possession without providing a 1Month Notice to End Tenancy for Cause, if the landlord has cause to end the tenancy and that it would be unreasonable or unfair to the landlord or other occupants of the residential property to wait for a Notice to End the tenancy to be effective.

Based on all the evidence submitted, I find the landlord has established the tenant has

- *significantly interfered with or unreasonably disturbed another occupant of the residential property, and*
- *seriously jeopardized the lawful right of another occupant, and*
- *put the landlord's property at significant risk.*

I also find that the circumstances in this matter establish that it would be unreasonable and unfair to the landlord and other occupants of the residential property to wait for a Notice to End tenancy issued under Section 47 to take effect.

I find that the tenancy will end as of this date. The landlord is entitled to an **Order of Possession**.

**Conclusion**

I find that the landlord is entitled to an Order of Possession effective **two days after service on the tenant**. This order must be served on the tenant and, if necessary, may be filed in the Supreme Court and enforced as an order of that Court.

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: September 20, 2012

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Residential Tenancy Branch