



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding SURREY VILLAGE HOLDINGS  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      ET

### Introduction

This hearing dealt with the landlord's Application for Dispute Resolution, seeking an order to end the tenancy early, and receive an order of possession.

Two agents for the landlord (the "agents") and tenant G.L. (the "tenant") who was representing both tenants, attended the teleconference hearing and gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me.

Neither party raised any concerns regarding the service of documentary evidence.

### Issue to be Decided

- Is the landlord entitled to end the tenancy early and obtain an order of possession?

### Background and Evidence

The landlord has applied for an order to end the tenancy early and obtain an order of possession due to what the agents describe as threats to kill the agents of the landlord by tenant G.L. (the "male tenant"), and due to threatening and intimidating behaviour by the male tenant directed towards the agents of the landlord.

The agents testified that after serving the tenants with a 10 Day Notice for Unpaid Rent or Utilities, the tenants began to swear and threaten the agents. The agents described the male tenant as acting violently towards her by sweeping his fists in the face of agent L.E. and getting too close to her. Agent L.E. stated that the male tenant threatened that he would be coming with a gun and that he hoped she would be the first to get it in the head. The agents described three separate incidents on March 14<sup>th</sup>, 15<sup>th</sup>, and 16<sup>th</sup> of

2016 that resulted in the agents feeling so threatened by the male tenant that they had to call the police to attend at the rental property. The business cards of three police officers with the same police file number were submitted in evidence by the landlord. During the hearing, the male tenant confirmed that the three police officers did attend and had approached him on the rental property.

The agents describe the male tenant as a very large and intimidating man. The male tenant confirmed that he was 6'4" tall and weighed 227 pounds. On March 15, 2016, the agent stated that police officer Cst. Blakely advised the agents to hire a security guard which the agents decided to do given how the male tenant was continuing his threatening behaviour.

The male tenant's response to the testimony of the agents was that most of what they were saying was a total fabrication. The male tenant testified that the landlord's evidence was missing statements from the police officers and a lack of video evidence and denies that he threatened to kill the agents. The male tenant claims that the agents provoked a reaction from him.

The male tenant did admit that he took a chair into the lobby area where he sat with a sign that related to not being able to veto a verbal agreement. The male tenant also admitted that he got into the face of agent L.E. and that he said to agent L.E. that if she entered his rental unit she would be the first to get it in the head. When specifically asked if he waived his fists near the face of the agents he said he did not know.

### Analysis

Based on the documentary evidence and the testimony provided by the parties during the hearing, and on a balance of probabilities, **I find** and I am satisfied that the male tenant has caused the agents of the landlord to fear for their safety and that the male tenant has acted in an aggressive and threatening manner towards the agents of the landlord. I am also satisfied that it would be unreasonable and unfair to the landlord or the other occupants to wait for a notice to end tenancy under section 47 of the *Act*.

I prefer the evidence of the agents over that of the male tenant as the male tenant was unable to recall whether he raised his fists towards the agents. In addition, I find the male tenant threatened the agents by stating that if the agent entered his rental unit, she would be the first to get it in the head which is especially troubling given that the landlord does have the ability and authority to enter the rental unit as long as the landlord complies with the requirements of section 29 of the *Act*.

Violent or threatening behaviour by a tenant towards a landlord is unacceptable and therefore, pursuant to section 56 of the *Act*, **I grant** the landlord an order of possession for the rental unit effective not later than **two (2) days** after service of the Order on the tenants. This order may be enforced through the Supreme Court of British Columbia.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Act*. Pursuant to section 77 of the *Act*, a decision or an order is final and binding, except as otherwise provided in the *Act*.

Dated: April 1, 2016

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Residential Tenancy Branch

