



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

DECISION

Dispute Codes: OPT and MND

Introduction

This application was brought by the tenant seeking an Order of Possession and monetary compensation after the landlord locked her out of the rental unit.

Despite having brought the application, the tenants did not call in to the number provided to enable their participation in the telephone conference call hearing. Therefore, it proceeded in their absence.

Issue(s) to be Decided

Background and Evidence

This tenancy began on May 1, 2008. Rent is \$1,250 per month and the landlord holds a security deposit of \$625 paid on May 1, 2008.

During the hearing, the landlord gave evidence that the Notice to End Tenancy had been served after she had learned that the rental unit was occupied by nine persons rather than five as she had been led to believe at the beginning of the tenancy.

In addition, the tenants had removed an inspected and approved wood heater from the downstairs of the rental building and replaced it with another. When they returned the original heater as requested by the landlord, two bricks were missing from it.

The landlord stated that the actions of the tenants had thereby voided her fire insurance. While there had been a small fire upstairs, the landlord stated that was no fault of the tenants.

Analysis

In the absence of the applicant tenants, the application is dismissed without leave to reapply.

On hearing that determination, the landlord exercised her right under section 51(1) of the *Act* to request an Order of Possession effective on March 13, 2009. Section 51(1) of the *Act* provide that, if a tenant's application to set aside a notice to end tenancy is dismissed, the landlord may request and the dispute resolution officer must issue an Order of Possession.

Accordingly, the landlord's copy of this decision is accompanied by an Order of Possession effective at 1 p.m. on March 13, 2009 for service on the tenants.

March 9, 2009,

Dispute Resolution Officer