



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes AAT

Introduction

This conference call hearing was convened in response to the tenant's application for an order to allow access to the unit or site..

Issue(s) to be Decided

Is the tenant entitled to an order to allow him access to the rental unit?

Background and Evidence

The undisputed evidence is as follows:

- The rental unit consists of a one bedroom apartment in a 5-unit complex. Pursuant to a written agreement, the month to month tenancy started in September 2006 at a monthly rate of \$590.00
- A fire occurred on February 17th, 2011, and every tenancy was frustrated as the units were deemed uninhabitable.

The parties entered into a lengthy disagreement over the tenant's access to retrieve his belongings. An opportunity to resolve this dispute informally was proposed however an agreement could not be achieved. The tenant said that he needed a month to empty his suite. The landlord does not agree and wants the tenant's contents removed in two to three days.

Analysis

Even though a tenancy becomes frustrated under section 56.1 of the *Residential Tenancy Act*, the tenancy does not necessarily end on the date the unit is rendered uninhabitable. The tenant in this matter continues to have personal belongings in the unit. Section 30(1) of the Act provides in part that a landlord must not unreasonably restrict access to the property.

Conclusion

Pursuant to section 56.1 of the Act this tenancy will remain in effect until April 13th, 2011. Both the landlord and the tenant have statutory obligations toward each other; accordingly I order the landlord to comply with the Act and to provide the tenant access to the unit until April 13th, 2011; and I order the tenant to have his belongings removed and to return the keys to the landlord no later than 1PM on April 13th, 2011.

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: March 15, 2011.

Residential Tenancy Branch