



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR, LRE, FF

### Introduction

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order cancelling the Notice to End Tenancy for non-payment of rent (the “Notice”) – Section 46;
2. An Order to suspend or set conditions on the landlord’s right to enter the rental unit – Section 70; and
3. An Order to recover the filing fee for this application - Section 72.

The Landlord and Tenant were each given full opportunity to be heard, to present evidence and to make submissions.

### Preliminary Matter

At the onset of the hearing the Parties agreed that the rent had been paid and the tenancy reinstated. The Tenant agrees that the claim to cancel the Notice is no longer required and this part of the application is therefore dismissed.

### Issue(s) to be Decided

Is the Tenant entitled to an Order suspending or setting conditions on the Landlord’s entry into the unit?

### Background and Evidence

The Tenant states that while the Tenant was gone from her unit the Landlord entered her unit on July 26, 2011 without permission. The Landlord states that she called the Tenant to seek entry into the unit on that day and although the Landlord was at the unit

at the time of the call, the Landlord denies entering the unit as the Tenant denied her permission. The Tenant provided no other evidence of entry by the Landlord and believes that the Landlord is lying about the entry.

### Analysis

In making a claim under the Act, the Party making the claim must prove on a balance of probabilities that the incident upon which the claim is based has occurred. Although the Tenant provided oral evidence that she believed the Landlord entered the unit, as the Tenant has no other evidence to substantiate her belief and as the Landlord denies such an entry, I find that the Tenant has failed to prove on a balance of probabilities that the Landlord entered the unit without permission. Accordingly, I find that the Tenant is not entitled to an order restricting the Landlord's right to enter the unit. The Tenant's application is therefore dismissed.

### Conclusion

The Tenant's application is dismissed.

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 12, 2011.

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Residential Tenancy Branch