



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, ERP, RP, RPP, LRE, OPT, LAT, RR, FF

Introduction

This hearing dealt with the Tenant's Application for Dispute Resolution, seeking orders for the Landlord to comply with the Act, to make emergency repairs for health or safety reasons, make repairs to the rental unit, to return the Tenant's personal property, to suspend or set conditions on the Landlord's right to enter the rental unit, to obtain an order of possession for the rental unit, to authorize the Tenant to change the locks to the rental unit, to allow the Tenant to reduce rent for repairs, services or facilities agreed upon but not provided, and to recover the filing fee for the Application.

Both parties appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issue(s) to be Decided

Is the Tenant entitled to the relief sought?

Background and Evidence

This tenancy began in July of 2010, with the parties entering into a written tenancy agreement.

The Tenant wants to end the tenancy but was unhappy with the guidelines under the Act to provide a one month Notice to End Tenancy to her Landlord. The Tenant testified she did not think she could provide a one month Notice to End Tenancy to her Landlord when none of the rental units she has looked at could be guaranteed to her in one months' time.

The Tenant testified that she wanted to install a new deadbolt lock in the rental unit because persons she could not identify had been entering her rental unit. The Tenant testified that someone entered into her rental unit, opened a locked filing cabinet, and removed her incoming condition inspection report for the rental unit. She alleges they made a photocopy of the report, then made changes to the report and used white out correction fluid, then returned the altered condition inspection report back into her filing cabinet.

The Tenant further alleged that someone forced the rental unit door open while she was sleeping and caused the chain lock screws to come loose. She testified she did not call the police because other women in the building told her the police do not come when they are called. She testified she did not try to call the police because it was pointless since she knew they would not come.

The Agents for the Landlord denied entering the rental unit without giving the Tenant prior written notice in accordance with the Act.

The Agents explained the Landlord was willing to perform work on her rental unit, however, the Tenant would not allow entry unless the female property manager travelled from Abbotsford to Penticton to be in the rental unit when work is performed.

The Agents further testified they were willing to work with the Tenant regarding her giving the Landlord a Notice to End Tenancy.

Analysis

Based on the above, the evidence and testimony, and on a balance of probabilities, I dismiss the Tenant's claim with leave to reapply.

During the course of listening to the Tenant provide her testimony and based on her demeanour and responses, I became concerned that the Tenant was on medication or was otherwise unable to represent herself in a legal capacity. She appeared to be drowsy and in a foggy state, and her evidence often did not make sense.

I suggested to the Tenant she should have an advocate assist her if she intends on making a further Application.

Therefore, I dismiss her claim with leave to reapply.

This decision is final and binding on the parties, except as otherwise provided under the Act, and 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 13, 2011.

Residential Tenancy Branch