

DECISION

Dispute Codes OLC, LRE, LAT, O

Introduction

This is an application filed by the Tenant for an order for the Landlord to comply with the Act, regulation or tenancy agreement, to suspend or set conditions on the Landlord's right to enter the rental unit and to authorize the Tenant to change the locks to the rental unit.

The Tenant attended the hearing by conference call and gave undisputed testimony. The Landlord did not attend.

The Tenant states that the Landlord was served by registered mail on October 17, 2011 with the notice of hearing package. The Tenant also states that the evidence package sent on October 26, 2011 by registered mail was returned as refused by the recipient from Canada Post. The Tenant has provided the registered mail receipts for both packages in evidence. The Landlord is deemed served 5 days after the packages were sent by registered mail.

The Tenant states that in his refused evidence package that he requested a monetary order for \$450.00 in compensation. There was no notation of a monetary request in the Tenant's application or an amendment and as such, I dismiss this monetary request with leave to reapply. Although the Landlord refused the evidence, the Landlord has no knowledge of the monetary claim and I find that this would be highly prejudicial to the Landlord.

Issue(s) to be Decided

Is the Tenant entitled to an order for the Landlord to give proper notice pursuant to the Act?

Is the Tenant entitled to an order allowing him to change the locks to the rental unit?

Background and Evidence

In the Tenant's direct testimony he states that the notice of hearing and evidence packages were sent by registered mail and has provided the registered mail receipts into evidence.. The Tenant claims that an incident that took place on October 11, 2011 where the property manager, S.M. resulted in a belligerent and verbally abusive confrontation. The Tenant claims that the police were called, but has not provided any supporting evidence of this incident. The Tenant states that he spoke with "Mat" who he describes as the owner. The Tenant states that he informed, "Mat" of the incident and

that he no longer wishes to deal with S.M. The Tenant states that “Mat” informed him to “not worry about him” and that he would no longer need to deal with him. The Tenant states that since October 11, 2011 he has had no further contact with S.M. The Tenant states that there were previous issues with this person, but that he has never given notice to the Landlord regarding these issues.

Analysis

I accept the Tenant’s undisputed testimony that the notice of hearing package was sent by registered mail and find that the Landlord was deemed served 5 days later with the notice of hearing package.

I accept the Tenant’s undisputed testimony that an incident took place where there was a confrontation between the Tenant and the Landlord’s Agent, S.M. The Tenant informed the Owner. I find that through the Tenant’s actions in communicating with the owner, “Mat” that this one incident was corrected by the Landlord. The Tenant’s direct testimony states that no further incidents have occurred. As this incident has been corrected by the owner, I find that no order is required and dismiss the Tenant’s application to suspend or set conditions on the Landlord’s right to enter the rental unit.

The Tenant has also made a request to change the locks to the rental unit regarding this incident. I find that since this was only one occasion for this incident and that it has been dealt with by the owner that an order to change the locks is not required and would serve no purpose. Any such order to change the locks would require that the Landlord be given a copy of the keys. As such, the Tenant’s request to change the locks is dismissed.

Conclusion

The Tenant’s application is dismissed.

The Tenant’s application for a monetary order is dismissed with leave to reapply.

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: November 08, 2011.

Residential Tenancy Branch