



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

SECOND INTERIM DECISION AND REASONS

Dispute Codes ERP, OPT, RPP, MNR, MNDC, LRE, LAT

Introduction

This was the reconvened hearing dealing with the applicant's Application for Dispute Resolution for various remedies under the Residential Tenancy Act (the "Act"), including requesting an order of possession to the rental unit, a request for a monetary order for the cost of emergency repairs and for money owed or compensation for damage or loss, an order requiring the respondent to make emergency repairs, to return the applicant's personal property, and suspending or setting conditions on the respondent's right to enter the rental unit, and authorizing the applicant to change the locks to the rental unit.

The first hearing additionally dealt with the respondent's contention that the Residential Tenancy Act (the "Act") did not apply to this dispute.

This should be read in conjunction with my Interim Decision and Reasons of November 14, 2011.

In my Interim Decision the hearing was adjourned due to the length of the testimony and dealt only with the issue of jurisdiction.

Issue(s) to be Decided

1. Does the *Residential Tenancy Act* apply to this dispute and do I have jurisdiction to resolve this dispute?
2. Has the applicant established an entitlement for the various requests made on his application listed above?

Background and Evidence

At the reconvened hearing, the respondent's witnesses provided further testimony in support of the respondent's contention that jurisdiction was not conferred upon the Residential Tenancy Branch to decide this dispute.

At the conclusion of the respondent's presentation, the applicant's witness provided affirmed testimony. Shortly after the respondent began asking questions of the witness, the hearing concluded prior to the respondent completing questioning.

Interim Conclusion

Due to the length of time further dealing with the preliminary issue of jurisdiction, the hearing has been adjourned and scheduled to reconvene in accordance with section 64 of the *Residential Tenancy Act*.

At the reconvened hearing, the applicant will resume presentation of his response to the respondent's claim that the Residential Tenancy Act did not apply to this dispute.

Additional documentary evidence will not be accepted from the parties in support of their claims or defences. Consideration will be given to the documentary evidence timely received prior to the hearing.

This hearing is adjourned to the date specified in the enclosed Notice of Adjourned Hearing.

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: December 7, 2011.

Residential Tenancy Branch