



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPT, MNDC, OLC, LRE

Introduction

This hearing was convened in response to an application filed by the tenant seeking:

1. A monetary Order for compensation for damage or loss;
2. An Order that the landlord comply with the Act;
3. An Order restricting the landlord's right of entry into the rental unit; and
4. An Order of Possession of the rental unit for the tenant.

I accept the tenant's evidence that the landlord properly served with the Application for Dispute Resolution hearing package by way of registered mail.

The landlord did not appear. The tenant was given full opportunity to be heard, to present evidence and to make submissions.

On the basis of the solemnly sworn evidence presented at the hearing a decision has been reached.

Issue(s) to be Decided

Is the tenant entitled to the Orders sought?

Background and Findings

Order of Possession

The tenant testified that she paid a \$325.00 security deposit to the landlord as well as \$650.00 for rent for July 2012. The tenant says the landlord agreed to make repairs to the rental unit and the tenant was to move in on July 1st, 2012. The tenant says the landlord advised her that the repairs were not complete and she could not move in until July 15, 2012. The tenant moved her belongings into the rental unit but she could not occupy the rental unit herself. The tenant says that she has still not been able to occupy the rental unit. The tenant testified that the landlord advised her that he would call the police if she tried to move in however he has not returned her goods, her

security deposit or the rent she paid for July for which she was not able to occupy the rental unit.

The tenant is seeking recovery of the security deposit, recovery of the rent, moving cost totalling \$2,210.00.

Findings

Based on the undisputed evidence of the tenant I find that she is entitled to an Order of Possession of the rental unit. That Order will be issued and the landlord is Ordered to comply with the Act and the Order of Possession and provide occupancy of the rental unit to the tenant forthwith.

I find that the tenant has failed to supply sufficient evidence to support her claim for a monetary award or her claim seeking to restrict the landlord's right of entry into the rental unit. I therefore dismiss these claims.

Conclusion

The tenant is provided with a formal copy of an order of possession. This is a final and binding Order enforceable as any Order of the Supreme Court of British Columbia.

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: August 09, 2012.

Residential Tenancy Branch