



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC

Introduction

A substantial amount of documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

The applicant originally applied for a monetary order for \$330.00 for costs related to the different levels of adjudication, however three days ago the applicant filed an amendment, increasing the amount to \$2000.00; however I am not willing to accept this late amendment to the application and therefore we proceeded with the original application for a claim of \$330.00.

Background and Evidence

The applicant is requesting compensation for costs related to the different levels of adjudication that eventually resulted in the loss of his rental unit through a Writ of Possession.

On April 11, 2012 a 10 day Notice to End Tenancy was posted on the tenant's door, and the landlord subsequently applied for an order of possession based on that notice.

A dispute resolution hearing was held on May 15, 2012 and on May 16, 2012 the Dispute Resolution officer issued an Order of Possession to the landlords.

The tenant subsequently applied for review of that decision; however the application for review was dismissed on May 29, 2012.

The tenant then applied for Judicial Review, and on August 9, 2012, after the Judicial Review Hearing, it was ordered that the Residential Tenancy Branch reconsider the tenant's application for review.

On August 30, 2012 the reconsideration of the review hearing was held, and the tenant's application was again denied, and the Order of Possession was upheld.

On September 18, 2012 the Order of Possession was enforced through a Writ of Possession.

Analysis

Is my decision that I will not allow this request for compensation because although this dispute did go through numerous levels of adjudication, the original Order of Possession was eventually upheld, and landlords are not required to compensate tenants who have been evicted following all illegal processes required.

Conclusion

This application is dismissed in full without 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: October 04, 2012.

Residential Tenancy Branch