



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes:**

CNR; AAT; LAT

### **Introduction**

This hearing dealt with the Tenant's application to cancel a *10 Day Notice to End Tenancy for Unpaid Rent or Utilities* (the Notice) issued November 6, 2012; for an Order allowing the Tenant access to or from the rental unit; and an Order authorizing the Tenant to change the locks to the rental unit.

The parties gave affirmed testimony and had an opportunity to be heard and respond to other party's submissions.

It was established that the Landlord received the Notice of Hearing documents on November 9, 2012.

### **Preliminary Matters**

At the outset of the Hearing, the Tenant stated that he was not able to contact his advocate in order that she could attend the Hearing. He provided a contact number for his advocate. Two attempts were made to phone the Tenant's advocate, but both attempts were unsuccessful.

The Landlord stated that his name was spelled incorrectly on the Tenant's application. The Tenant's application was amended to reflect the correct spelling of the Landlord's name.

The Landlord testified that since the Tenant filed his application, he has paid the outstanding rent and that the Landlord has reinstated the tenancy. Therefore, the Notice to End Tenancy dated November 6, 2012, is cancelled.

### **Issues to be Decided**

- Should the Landlord be ordered to provide the Tenant access to and from the rental unit?

- Should the Tenant be authorized to change the locks to the rental unit?

### **Background and Evidence**

The Tenant agreed that he has access to the rental unit and that the Landlord is not restricting his access.

The Tenant testified that he had been the victim of a break-in and that he would feel safer if the locks were changed on his rental unit. He stated that the burglar gained access without using a key.

The Tenant stated several times during the hearing that he had medical issues which caused him difficulty in filing, and speaking to, his application.

### **Analysis**

As the Landlord is not restricting the Tenant's access to the rental unit, this portion of the Tenant's application is dismissed.

An application for an Order authorizing a tenant to change the locks to a rental unit is made under Section 70(2) of the Act, which states:

**70** (2) If satisfied that a landlord is likely to enter a rental unit other than as authorized under section 29, the director, by order, may

- (a) authorize the tenant to change the locks, keys or other means that allow access to the rental unit, and
- (b) prohibit the landlord from replacing those locks or obtaining keys or by other means obtaining entry into the rental unit.

In this particular situation, there is no evidence that the Landlord is likely to enter the rental unit other than as duly authorized, and therefore this portion of the Tenant's application is dismissed.

The Tenant is advised to have the assistance of an advocate or agent when filing future applications or attending future hearings.

### **Conclusion**

The Landlord has reinstated the tenancy and therefore the Notice to End Tenancy issued November 6, 2012, is cancelled. The tenancy remains in full force and effect until it is ended in accordance with the provisions of the Act.

The remainder of the Tenant's application is dismissed.

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 12, 2012.

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Residential Tenancy Branch