



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Henry Leland House
and [tenant name suppressed to protect privacy]

INTERIM DECISION

Dispute Codes O

Introduction

This hearing dealt with an Application for Dispute Resolution seeking an order of that would not require the applicant to move between rental units.

The hearing was conducted via teleconference and was attended by the applicant and the respondent's agent.

At the outset of the hearing the applicant requested an adjournment resulting, in part, due to changes in circumstances and recent events at the residential property. In preparation for this hearing I had developed questions as to whether or not the *Residential Tenancy Act (Act)* is applicable in this arrangement and as such I heard some arguments from both parties in relation to jurisdiction.

However, I find there was insufficient information provided by both parties to address the issue of jurisdiction and as such, I have adjourned this matter to a future date. The Notice of Reconvened Hearing will be attached to this interim decision.

Prior to adjourning the respondent confirmed that they have changed the locks on the rental unit and, due to safety concerns for staff and other residents, and they do not want the applicant to return to the property. However, as I have insufficient evidence before me to decline jurisdiction, I find I must accept jurisdiction until such time as I may determine otherwise.

Issue(s) to be Decided

The issues to be decided are whether the tenant is entitled to an order disallowing the landlord from requiring him to move to a different rental unit, pursuant to Section 62 of the *Residential Tenancy Act (Act)*.

Conclusion

Based on the above, I order that both parties must comply with all provisions in the *Act*, including specific clauses governing how a tenancy ends. As such, I find the landlord cannot restrict access of the applicant to his rental unit without providing a Notice to End

Tenancy or obtaining an order of possession based on such a Notice or seeking to end the tenancy early.

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: April 22, 2013

Residential Tenancy Branch