



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNDC; OLC; LRE; OPT; AAT; LAT

Introduction

This is the Tenant's application for an Order of Possession of the rental unit, compensation for damage or loss under the Act, regulation or tenancy agreement; an Order that the Landlord comply with the Act, regulation or tenancy agreement; an Order suspending or setting conditions on the Landlord's right to enter the rental unit; an Order allowing access to the rental unit for the Tenant or her guests; and an Order authorizing the Tenant to change the locks on the rental unit.

The parties gave affirmed testimony at the Hearing.

It was determined that the Tenant served the Landlord with the Notice of Hearing documents and copies of her documentary evidence by registered mail sent January 6, 2014.

The Landlord provided late documentary evidence to the Residential Tenancy Branch, but did not serve the Tenant with the documents and therefore they were not considered.

Preliminary Matter

The Landlord testified that the Tenant had provided the incorrect address for the Landlord on the Application for Dispute Resolution (wrong City) and therefore, the Tenant's Application was amended to reflect the correct mailing address for the Landlord.

Issues to be Decided

- Is the Tenant entitled to an Order of Possession of the rental unit?
- Is the Tenant entitled to compensation in the amount of \$1,770.00?

- Is the Tenant entitled to the other Orders sought?

Background and Evidence

The Tenant moved into the rental unit on May 23, 2013. The rental unit is subsidized by BC Housing. The Tenant paid rent in the amount of \$320.00, plus utilities in the amount of \$50.00 per month. A security deposit was required, but was not paid by the Tenant.

The Landlord stated that throughout her tenancy, the Tenant was disruptive in her behavior towards other occupants in the rental property. She testified that on October 31, 2013, the Tenant gave written notice that she would be moving out of the rental unit. She stated that the Tenant paid rent for the month of November, 2013, and moved out on November 22, 2013.

The Landlord testified that the Tenant said that she could not move some of her belongings out of the rental unit, and gave the Landlord permission to clean out the rental unit and store the Tenant's possessions. The Landlord stated that the Tenant picked up some boxes of personal possessions on December 23, 2013, but did not pick up her table and chairs, microwave, laundry soap, a broom and a mop. The Landlord testified that she had agreed to store the remainder of the Tenant's possessions until January 31, 2014, but that she was prepared to store them for an additional month until the end of February, 2014.

The Tenant seeks a monetary award in the amount of \$1,770.00 for loss of her personal belongings. The Tenant provided a list of items and their approximate value.

The Landlord denied that most of the items were left in the rental unit, and that the value of the items that were at the rental unit was inflated.

The Tenant testified that the tenancy was not ended properly because no proper notice was given by the Landlord to end the tenancy. The Tenant testified that the Landlord gave her warning letters, but they were not signed and they provided the wrong address for the rental unit. The Tenant agreed that she moved out on November 22, 2013, but stated that she didn't want to move out. The Tenant testified that she wants to move back in to the rental unit. She stated that the Landlord still has her TV, walker, two boxes and a fan.

The Tenant's assistant stated that she would attempt to help the Tenant to collect the remainder of her belongings from the Landlord.

Analysis

This Hearing was challenged by the Tenant's inability to stay focused and provide her testimony in a coherent manner. She had outbursts of anger and was not clear in her submissions. For example, the Tenant testified that the Landlord did not give the Tenant due notice to end the tenancy; however, she did not deny that she gave the Landlord notice that she was moving out of the rental unit.

Based on the oral testimony of both parties, I find that the Tenant ended the tenancy and is not entitled to an Order of Possession of the rental unit.

I also find that the Tenant did not provide sufficient evidence to support her claim for compensation. In any event, the Landlord is cooperating with the Tenant in order for the Tenant to collect the remainder of her possessions. The Tenant's claim for compensation is dismissed.

The tenancy is over and therefore the remainder of the Tenant's application is also dismissed.

Conclusion

The Tenant's application is **dismissed 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: February 03, 2014

Residential Tenancy Branch



Residential Tenancy Branch

RTB-136

Now that you have your decision...

All decisions are binding and both landlord and tenant are required to comply.

The RTB website (www.rto.gov.bc.ca) has information about:

- How and when to enforce an order of possession:
Fact Sheet RTB-103: *Landlord: Enforcing an Order of Possession*
- How and when to enforce a monetary order:
Fact Sheet RTB-108: *Enforcing a Monetary Order*
- How and when to have a decision or order corrected:
Fact Sheet RTB-111: *Correction of a Decision or Order*
- How and when to have a decision or order clarified:
Fact Sheet RTB-141: *Clarification of a Decision or Order*
- How and when to apply for the review of a decision:
Fact Sheet RTB-100: *Review Consideration of a Decision or Order* **(Please Note: Legislated deadlines apply)**

To personally speak with Residential Tenancy Branch (RTB) staff or listen to our 24 Hour Recorded Information Line, please call:

- Toll-free: 1-800-665-8779
- Lower Mainland: 604-660-1020
- Victoria: 250-387-1602

Contact any Service BC Centre or visit the RTB office nearest you. For current information on locations and office hours, visit the RTB web site at www.rto.gov.bc.ca