



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      LRE, LAT, FF

### Introduction

This hearing dealt with an application by the tenant for orders limiting the landlord's right of entry and giving the tenant the right to change the locks. The tenant also applied for reimbursement of the fee she paid to file this application.

The landlord did not appear at the hearing. A few days before the hearing she filed a letter explaining the reasons why she could not participate in something as stressful as a dispute resolution hearing and provided her side of the dispute. She did not serve a copy of this letter on the tenant so I could not consider the contents of the letter in evidence.

### Issue(s) to be Decided

Is the tenant entitled to the orders requested and, if so, on what terms?

### Background and Evidence

This six month fixed term tenancy formally commenced October 1, 2013 although the tenant moved in a few days earlier. The monthly rent of \$875.00 is due on the first day of the month. The tenant paid a security deposit of \$437.50. According to the tenant she has the agreement gave her the option to purchase the unit.

The tenant testified that the landlord, who is an elderly woman, had lived in this unit with her daughter before renting it to the tenant. It appears that this was a difficult task for the landlord. When the tenant looked at the rental unit, the landlord had not yet emptied it. The parties agreed that the landlord could leave some items in the second bedroom for a while. The tenant testified that when she took possession of the rental unit the second bedroom was packed to the ceiling and the storage locker was also full.

There followed several weeks of e-mails between the parties about the removal of the landlord's items and some other issues, including whether the tenant was going to purchase the unit or whether the landlord would be listing it for sale.

Finally, a date was arranged for the removal of the items. The tenant testified that late in the evening of the night before she received an e-mail from the landlords advising that the movers would not be coming the next morning because their truck had broken down.

The tenant testified that approximately two weeks later, on November 26, she was in the shower when a man walked into the bathroom. When she screamed, he left the bathroom.

When she went into the living room she found two men there. They explained they were the movers come to remove the landlord's items and they had been given a key by the landlord. The tenant said she had received no notice that the movers were coming that day.

The tenant explained that this incident really frightened her. The next day she filed this application for dispute resolution.

Since this incident there have been no other unauthorized entries, nor has the tenant received any notice that the property has been listed for sale or that the landlord wishes to show the property to any potential purchasers.

#### Analysis

As there is no repeated pattern of unauthorized entry by the landlord or anyone else, no order will be made.

The parties are reminded that the Residential Tenancy Branch has fact sheets available that explain the applicable law relating to a landlord's right of entry and selling a tenanted property.

Although the tenant has not been granted the order which she requested, given the circumstances of the events on November 26 her application was reasonable. Accordingly, I order that the tenant is entitled to half the cost of filing this application, \$25.00.

#### Conclusion

The tenant's application is dismissed, with the exception that the tenant is awarded one half of the cost of filing it, \$25.00. Pursuant to section 72 this amount may be deducted from the next rent payment due to the landlord.

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: January 22, 2014

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Residential Tenancy Branch

