



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPT, OLC, PSF, FF

Introduction

This hearing dealt with the tenant's application for dispute resolution under the Residential Tenancy Act (the "Act"). The tenant applied for an order of possession for the rental unit, for an order requiring the landlord to comply with the Act, an order requiring the landlord to provide services or facilities required by law, and for recovery of the filing fee paid for this application.

The tenant and the landlord attended, the hearing process was explained and they were given an opportunity to ask questions about the hearing process.

At the outset of the hearing, neither party raised any issues regarding service of the application or the evidence.

Thereafter both parties were provided the opportunity to present their evidence orally and to refer to relevant documentary evidence submitted prior to the hearing, and make submissions to me.

I have reviewed all oral and documentary evidence before me that met the requirements of the Dispute Resolution Rules of Procedure (Rules); however, I refer to only the relevant evidence regarding the facts and issues in this decision.

Issue(s) to be Decided

Is the tenant entitled to an order of possession for the rental unit and for orders requiring the landlord's compliance with the Act and the tenancy agreement?

Background and Evidence

The tenant submitted that this tenancy began approximately 5 years ago and that monthly rent is \$1500, which includes all utilities.

The tenant submitted that on July 1, 2014, he received a text message from the landlord informing the tenant he, the tenant, had to vacate the rental unit, which is on the upper floor of a home occupied the landlord on the lower level. The tenant submitted further that when he refused to vacate the rental unit via a text message, the landlord had the hydro, water, and other utilities cut off from the rental unit, which led the tenant to have local law enforcement get involved with the situation.

Although the tenant has applied for possession of the rental unit and for an order requiring the landlord to provide for services, the tenant submitted that he is currently in possession of the rental unit and that all utilities, except for cable television and the internet, have been restored. The tenant stated that he arranged for those services himself.

In response, the landlord submitted that he has not been able to return to the residential property, as the police have issued a no contact order against him, the landlord. The landlord submitted that he is not able to return until the tenant leaves.

The landlord submitted that the hydro was cut off from the rental unit only a matter of hours, not days.

Analysis

As to the portion of the tenant's application dealing with an order of possession for the rental unit, I find that tenant does not require consideration of this issue as he is still in possession of the rental unit.

As the landlord was informed at the hearing, he may not seek to end a tenancy via a text message, as was the case here, or any means other than as allowed under the Act. The landlord is reminded that he is to comply with section 44 of the Act if he should seek an end to a tenancy.

As to the services or utilities allegedly being denied the tenant, I find that the matter of most of the services or utilities has been dealt with, apparently due to police involvement. I, however, find that the tenant is entitled to cable/internet services

through the tenancy agreement, as this fact was not disputed by the landlord, and that the landlord has terminated that service.

Under section 27(2) of the Act, a landlord may not terminate a service unless the landlord issues the tenant a 30 day, written notice on the approved form, and to reduce the rent commensurate to the value of that service.

I therefore order that the landlord immediately restore the cable/internet service to the tenant/rental unit. The tenant did not ask for compensation for this loss; however, the tenant is at liberty to apply for such loss or for compensation for future loss should the landlord fail to restore this service.

I approve the tenant's claim for reimbursement of his filing fee of \$50, and direct him to deduct this amount from his next or a future month's rent payment in satisfaction of his monetary award.

Conclusion

The portion of the tenant's application for an order of possession for the rental unit and for restoration of all utilities, except for cable/internet were not before me to consider as these issues were dealt with apparently through police involvement.

The landlord has been ordered to immediately restore cable/internet services to the rental unit.

The tenant has been granted reimbursement of his filing fee.

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: August 5, 2014

Residential Tenancy Branch

