



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** OPT, FF

### **Introduction**

This hearing dealt with an application by the tenant for an order of possession of the rental unit and for the recovery of the filing fee. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

### **Issue to be Decided**

Is the tenant entitled to an order of possession? Did the landlord lock the tenant out of the rental property?

### **Background and Evidence**

The tenancy started on April 01, 2015. A copy of the tenancy agreement was filed into evidence. The tenant requested the landlord to allow him to move some of his belongings into the rental unit prior to the start date of the tenancy. The landlord agreed. The landlord was in the process of repairing the unit in preparation for this new tenancy to start on April 01, 2015.

While the landlord was in the rental unit carrying out repairs, he noticed that the tenant had placed boxes inside the unit that contained lizards, snakes and eggs. The landlord stated that his advertisement on line for a new tenant indicated that pets were not permitted and the tenant's application to rent the unit clearly stated that the tenant had no pets. The landlord stated that upon finding these unusual pets, he was distraught and locked the tenant out. However upon police involvement, the landlord allowed the tenant to return to the rental unit on April 01, 2015.

### **Analysis**

Based on the testimony of both parties and the tenancy agreement filed into evidence, I find that the start date of the tenancy was April 01, 2015 and the tenant was granted possession of the unit that day. Accordingly the tenant's application for an order of possession is moot and accordingly dismissed.

Based on the sworn testimony of the tenant, I find that his application was unnecessary and therefore the tenant must bear the cost of filing his own application.

### **Conclusion**

The tenant's application is dismissed in its entirety.

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 24, 2015

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Residential Tenancy Branch

