



# Dispute Resolution Services

Page: 1

## Residential Tenancy Branch Office of Housing and Construction Standards

A matter regarding ATIRA  
and [tenant name suppressed to protect privacy]

### **DECISION**

Dispute Codes: MNDC OLC OPT

#### Introduction

The tenant applied under the *Residential Tenancy Act* (the “Act”) for an order of possession for the rental unit, for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement, and for an order directing the landlord to comply with the Act, regulation or tenancy agreement.

The tenant, a witness for the tenant, S.A., and two agents for the landlord (the “agents”) attended the hearing. At the start of the hearing I introduced myself and the participants. The parties had the dispute resolution process explained to them and were provided with the opportunity to submit documentary evidence prior to this hearing, to present affirmed oral testimony evidence and to make submissions to me. The tenant confirmed that she did not submit any documentary evidence in support of her application.

#### Preliminary and Procedural Matters

Rule 2.3 of the Residential Tenancy Branch Rules of Procedure authorizes me to dismiss unrelated disputes contained in a single application. In these circumstances the tenant indicated several matters of dispute on the Application for Dispute Resolution, the most urgent of which is the request for an order of possession of the rental unit. I find that not all the claims on this Application for Dispute Resolution are sufficiently related to be determined during this proceeding. I will, therefore, only consider the tenant’s request for an order of possession of the rental unit. The balance of the tenant’s application is dismissed, **with leave to re-apply**.

Regarding the witness for the tenant, S.A., while he originally indicated he was a witness for the tenant, he then changed his testimony to claim he was an advocate for the tenant. The witness and tenant then confirmed he was in fact, a witness for the tenant, and as a result, the witness was placed on hold until his testimony was required during the hearing. The tenant disconnected from the hearing at 18 minutes into the hearing without notice and did not call back into the hearing. At 19 minutes into the hearing, the witness also disconnected from the hearing without notice. The hearing was concluded at 20 minutes into the hearing as a result of the tenant applicant and the witness for the tenant disconnecting from the teleconference hearing.

#### Issue to be Decided

- Is the tenant entitled to an order of possession of the rental unit under the Act?

#### Background and Evidence

Before I could confirm the start date of this tenancy, the tenant confirmed she was now living at a new address, which has been included on the cover page of this decision for ease of reference. The parties agreed that the rental unit that the tenant was applying for an order of possession for in a woman's only building. The tenant was asked if she was granted an order of possession, would she be moving with a male into a woman's only building. The tenant replied under oath in the affirmative. The tenant later contradicted herself by testifying that she would not be moving into the rental unit with a male.

The parties disputed how the tenant ultimately left the rental unit. The tenant claims she was locked out of the rental unit by the landlord. The agents testified that the tenant left on her own accord and denied that she was locked out of the rental unit.

### Analysis

Based on the documentary evidence and the oral testimony provided during the hearing, and on the balance of probabilities, I find the following.

I find that I prefer the testimony of the agents over that of the tenant as the tenant's testimony was contradictory on multiple occasions. First, the tenant identified her witness as a witness, then an advocate, and then a witness again. Secondly, the tenant testified that she would be moving into a woman's only building if granted an order of possession with a male, and later contradicted herself by claiming she would not be living with a male there.

Based on the above, I find that that tenant is not entitled to an order of possession for the rental unit. Therefore, the tenant's application is dismissed.

### Conclusion

The tenant's application for an order of possession of the rental unit is dismissed.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: July 15, 2015

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Residential Tenancy Branch

