



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Codes: CNC, OLC

Introduction

The tenant has applied for an order pursuant to section 47(4) of the Residential Tenancy Act to set aside a Notice of End a Residential Tenancy dated April 13, 2015 and setting the end of tenancy for May 14, 2015. The tenant also requested an Order that the landlord comply with the Act. A hearing was conducted in the presence of both parties.

Issue(s) to be Decided

Is the tenant entitled to relief from the Notice?

Background and Evidence

The landlord admitted service of the tenant's application on June 13, 2015. The landlord GA testified that she served the Notice to End the tenancy on April 13, 2015 by handing it to the tenant.

GA and SB testified that because of problems with the tenant and after serving him with the Notice on May 14, 2015 the locks to the front door of the building were changed effectively preventing the tenant from entering the building. The landlords left a note on the front door for the tenant to knock on the front door and the landlord and police would then escort the tenant to his unit to collect his belongings. The landlords admitted re-renting the unit and holding the tenant's possessions in storage. The landlord testified that to date the tenant had not collected his personal property nor provided a forwarding address. The landlord confirmed that she did not require an Order for Possession.

The tenant testified that he was evicted by the landlord changing the locks and wanted to recover his belongings, security deposit and rent. He did not have a forwarding address except at a correctional facility until August 6, 2015.

Analysis

As the landlord effectively ended the tenancy albeit apparently not in accordance with the Residential Tenancy Act, the tenant's application for the relief by way of an order cancelling the notice is no longer available to him. I have therefore dismissed his application. The parties are cautioned to follow the procedure regarding the security deposit pursuant to section 38 of the Act and the landlord is cautioned about her obligations regarding storage of personal property pursuant to sections 25-27 of the Regulations made pursuant to the Act.

Conclusion

I have dismissed the tenant's applications herein. The parties are cautioned to deal with the security deposit and storage of personal property pursuant to the Act and Regulations.

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: July 27, 2015

Residential Tenancy Branch

