



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNR, MNSD, OPT, AAT, FF, O

Introduction

The tenant applies to cancel a ten day Notice to End Tenancy, for more time to make that application, for an order of possession, an order allowing access to the rental unit, a monetary award for compensation and for “other” unspecified relief.

The claim relates to an alleged wrongful entry and trespass by the landlord. The tenant alleges the landlord wrongfully changed the locks to the premises, removed tenant belongings from the rental unit and caused damage and loss in the process.

At the start of the hearing, the tenant confirmed that she and her co-tenant Mr. ----. had no wish to return to the rental unit. The portions of the application seeking to cancel the ten day Notice, seeking more time to do so, seeking an order of possession and access to the premises were therefore no longer of any purpose.

The remaining issue was the tenant’s claim for money owed or compensation resulting from the landlord’s alleged actions in barring access and the removal and damaging of tenant belongings.

It became clear that the tenant had evidence which had not been submitted to the Residential Tenancy Branch or provided to the respondent. Particularly, she wished to refer to a police report and photographs she had taken. Her co-tenant Mr. ---. referred to a list of items alleged to have been damaged or destroyed by the landlord. This material had not been filed or shared with the landlord either.

Rule 3.14 of the Rules of Procedure requires that the applicant’s documentary evidence be filed with the Residential Tenancy Branch and a copy given to the respondent “not less than 14 days before the hearing.”

However, the tenant's application was made on February 26, 2016, thirteen days ago and has been fast tracked to an early hearing date because she is seeking to cancel an eviction notice and an order of possession for her rental unit. She has not had the necessary time to prepare and submit evidence to support her monetary claim.

Rule 2.3 provides that claims made in the application must be related to each other. Arbitrators may use their discretion to dismiss unrelated claims with or without leave to reapply. The tenant's monetary claim is not directly related to her primary claim of challenging the eviction notice and regaining possession of the premises.

In all the circumstances, I dismiss the tenant's claim for compensation and for any "other" relief, with leave for her to re-apply.

The filing fee for this application was waived.

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: March 10, 2016

Residential Tenancy Branch

