



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNE, CNC, MNDC, OPT, AAT

Introduction

This hearing dealt with the tenant's application for dispute resolution, seeking to cancel a notice to end tenancy for cause. The tenant also applied for an order of possession of the rental unit and for compensation for loss under the *Act*. Both parties appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions to me.

At the start of the hearing the tenant informed me that on August 29, 2016, the landlord changed the locks locked him out. He testified that he had no shelter, no access to his belongings and was forced to apply for income assistance. The tenant further added that he was allowed to retrieve his belongings on October 08, 2016 but did not have adequate opportunity to put his evidence together and serve the landlord in time for this hearing on October 18, 2016. The tenant requested additional time. The landlord agreed that the tenant was locked out on August 29, 2016.

Based on the testimony of both parties, I accept that the tenant had no access to his belongings until October 08, 2016 and was unable to gather and serve evidence to support his monetary claim in a timely manner. Accordingly I dismiss the tenant's application with leave to reapply. Leave to reapply is not an extension of any applicable limitation period.

Conclusion

The tenant's application is dismissed with leave to reapply.

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: October 19, 2016

Residential Tenancy Branch

