



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

DRI; CNC; MNDC; LRE; AAT; RR

Introduction

This is the Tenant's Application for Dispute Resolution seeking to dispute a rent increase; to cancel a Notice to End Tenancy for Cause; an Order suspending or restricting the Landlords' access to the rental unit; an Order allowing the Tenant access to the rental unit; and a rent reduction.

Both parties gave affirmed testimony at the Hearing, which was held by teleconference.

The Landlords testified that they received the Notice of Hearing documents on March 30, 2017, which did not give them time to respond to her Application. The Tenant testified that she had given her e-mail address on her Application for Dispute Resolution and was expecting an e-mail advising when the Notice of Hearing documents were ready. She stated that she does not have a telephone and therefore e-mail is the only way she can be reached. The Tenant testified that she contacted the Residential Tenancy Branch on March 23, 2017, to enquire about the Notice of Hearing documents and was advised that the documents would be ready for her to pick up at the government agent's office where the rental unit is located.

The parties also advised that the Tenant moved out of the rental unit on April 1, 2017. The Tenant asked the Landlords about the security deposit and when she could expect a refund.

As the tenancy has ended, the Tenant's applications to cancel the Notice to End Tenancy; to suspend or restrict the Landlords' right to enter the rental unit; and to allow the Tenant access to the rental unit are all dismissed.

The Landlords indicated that they may have a cross application with respect to the security deposit.

The Tenant's Application for Dispute Resolution indicates that she has no phone and that she requires to be notified by e-mail only, giving an e-mail address. I find that there may have been an administrative problem with respect to the Tenant's Notice of Hearing documents, although I warned the Tenant that it is the Applicant's responsibility to follow up with the Residential

Tenancy Branch if Notice of Hearing documents are not made available within a short period of time. I explained to the parties that there are Rules with respect to time lines and service of documents, which are available on the Residential Tenancy Branch's website.

I dismissed the Tenant's application for compensation, with leave to reapply. I also advised both parties that the provisions for return of a security deposit are set out in Section 38 of the Act, which is also available on the Residential Tenancy Branch's website at www2.gov.bc.ca. The Landlords remain at liberty to apply for compensation, if they choose to do so, either by making their own Application for Dispute Resolution, or by making a cross-application to any future Application the Tenant may make.

The Tenant provided a forwarding address during the Hearing, which the Landlords recorded and repeated to me. The forwarding address is a post office box number, which is the same address that the Tenant provided on her Application for Dispute Resolution.

I Order that **the Tenant sufficiently provided the Landlords with her forwarding address on April 3, 2017**, and that **the Landlords have 15 days from April 3, 2017, to either return the security deposit in full to the Tenant to the address provided by the Tenant during the Hearing or to make their own Application against the security deposit** (further to the provisions of Section 38(1) of the Act.

Conclusion

I find that the tenancy ended on April 1, 2017.

The Tenant's Application to cancel the Notice to End Tenancy; to suspend or restrict the Landlords' right to enter the rental unit; and to allow the Tenant access to the rental unit are all dismissed.

The remainder of 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: April 03, 2017

Residential Tenancy Branch