



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR, LAT, OPR, MNR, MNSD, MNCD, FF

### Introduction

In the first application the tenant seeks to cancel a ten day Notice to End Tenancy dated August 30, 2017 and for an order permitting him to change the lock to the premises.

In the second application the landlord seeks an order of possession pursuant to the Notice, a monetary award for unpaid rent for eight months and a monetary award for compensation for damage and/or loss under the law or the tenancy agreement.

The landlord did not attend the hearing within ten minutes after its scheduled start time. As a result, his application is dismissed. As the tenant attended and was ready to proceed, the landlord's application is dismissed without leave to re-apply.

The tenant testified that when he received his accepted application for dispute resolution from the Residential Tenancy Branch he took the application and hearing letter, gave them to Mr. C. who, on September 8, 2017 personally served the landlord with the package at the landlord's shop on the same premises, with the tenant standing outside. Mr. C. testified to confirm he so served the landlord on September 8.

On this evidence I find that the landlord was duly served.

On the undisputed evidence of the tenant I find that the landlord has been entering the rental unit without the permission of the tenant.

I order the landlord to comply with s. 29 of the *Residential Tenancy Act* which provides:

**29** (1) A landlord must not enter a rental unit that is subject to a tenancy agreement for any purpose unless one of the following applies:

(a) the tenant gives permission at the time of the entry or not more than 30 days before the entry;

(b) at least 24 hours and not more than 30 days before the entry, the landlord gives the tenant written notice that includes the following information:

(i) the purpose for entering, which must be reasonable;

(ii) the date and the time of the entry, which must be between 8 a.m. and 9 p.m. unless the tenant otherwise agrees;

(c) the landlord provides housekeeping or related services under the terms of a written tenancy agreement and the entry is for that purpose and in accordance with those terms;

(d) the landlord has an order of the director authorizing the entry;

(e) the tenant has abandoned the rental unit;

(f) an emergency exists and the entry is necessary to protect life or property.

(2) A landlord may inspect a rental unit monthly in accordance with subsection (1) (b).

As the tenant has been successful on his application I award him recovery of the \$100.00 filing fee and authorize him to reduce his next rent due by \$100.00 in full satisfaction of the award.

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 20, 2017

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Residential Tenancy Branch