



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, OPC

This hearing was convened in response to an application by the Tenant and an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”).

The Landlord applied on February 8, 2018 for an Order of Possession - Section 55. The Tenant applied on February 13, 2018 for an Order cancelling a notice to end tenancy - Section 47. The Tenant and Landlord were each given full opportunity to be heard, to present evidence and to make submissions.

Intervening Events

The Parties confirm that on April 1, 2018 the Landlord changed the locks to the unit and denied the Tenant access to the unit without having been granted an order of possession. The Tenant confirms that it was residing in the unit at the time, has not resided in the unit since that date and is not returning to the unit. The Tenant states that the Landlord still has the Tenant’s belongings. The Landlord states that the Tenant has not paid rent.

Since the Tenant has not amended the application to seek return possession of the unit and does not intend to return to the unit I find that the dispute over the notice to end tenancy is no longer relevant and I dismiss the claim for its cancellation. The Tenant remains at liberty to make a claim for compensation in relation to the Landlord’s acts in changing the locks and in relation to its belongings.

As the Landlord changed the locks and without determining whether the Landlord had any right to change the locks denying the Tenant's access to the unit I find that the Landlord obtained possession of the unit as of April 1, 2018, that the tenancy ended on that date and that the Landlord has had possession of the unit since that date. I therefore dismiss the Landlord's application for an order of possession. The Landlord remains at liberty to make a claim in relation to any unpaid rent that may be owed prior to April 1, 2018.

Conclusion

The applications of both Parties are dismissed.

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 12, 2018

Residential Tenancy Branch