



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC ERP MT OLC RP

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- more time to make an application to cancel the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 66;
- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47;
- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62; and
- an order to the landlord to make repairs to the rental unit pursuant to section 33.

The landlord's agent, DL ('the landlord'), testified on behalf of the landlord in this hearing and was given full authority to do so by the landlord. The tenant attended the hearing with her advocate CN. Both parties were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another.

The tenant indicated at the beginning of the hearing that she is now residing in a shelter. The landlord's agent confirmed that the landlord had issued the tenant a 1 Month Notice at the end of March 2018, and the landlord had changed the locks and removed her belongings sometime in April 2018. The landlord's agent could not confirm the exact date the landlord took possession, but he indicated that the landlord was now in possession of the rental unit.

As the tenant did not apply for an Order of Possession of the rental unit, I am not able to make an order in regards to her possession of the rental unit. As the landlord is now in possession of the rental unit and the locks have been changed, the tenant's application

relating to the 1 Month Notice is cancelled. As the tenant is no longer in possession of the rental unit, her application relating to an order for repairs and for the landlord to comply with the *Act* or tenancy agreement is dismissed without 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: May 23, 2018

Residential Tenancy Branch