



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPT, OLC

### Introduction

On January 26, 2018, the Tenant submitted an Application for Dispute Resolution under the *Residential Tenancy Act* ("the Act") seeking an order of possession for the rental unit and an order that the Landlord comply with the Act, Regulation, or tenancy agreement.

The matter was set for a conference call hearing. The Tenant and the Landlord's agents ("the Landlord") appeared at the hearing.

The parties provided affirmed testimony and were provided the opportunity to present their evidence, orally and in written and documentary form, and make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

### Procedural and Preliminary Issues

During the hearing it was identified that the parties had recently participated in a dispute resolution hearing on January 15, 2019. The Tenant had applied to cancel notices to end tenancy and the Landlord had applied for an order of possession for the rental unit.

In a Decision dated January 17, 2019, an Arbitrator found that the Tenant failed to pay the rent owing under the tenancy agreement and did not have a legal right to withhold payment of rent. The tenancy was ended and the Landlord was granted an order of possession effective two days after service on the Tenant.

On January 25, 2019, the Tenant applied for a review consideration of the Decision issued on January 17, 2019. On February 4, 2019, the Tenant's application was dismissed due to insufficient evidence of fraud. The Decision and Order issued in January 17, 2019 were confirmed.

With respect to the application before me, the Tenant applied on January 26, 2019, which is prior to receiving the result of the Tenant's application for review consideration. I find that the Tenant's application seeking an order of possession for the rental unit cannot proceed. The tenancy has already ended by order of an Arbitrator and the Tenant's attempt to have that Decision over turned was unsuccessful. The Tenant's request for an order of possession for the rental unit is dismissed.

The Tenant submitted that the Landlord ended her tenancy incorrectly by changing the locks. The Tenant submitted that she wants to seek compensation against the Landlord.

### Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

The tenancy has already ended by order of an Arbitrator on January 17, 2019, and the Tenant's attempt to have that Decision over turned was unsuccessful. The Tenant's request for an order of possession for the rental unit is dismissed. The Tenants application does not include a request for compensation against the Landlord.

The Tenant is at liberty to make an application for dispute resolution seeking compensation against the Landlord.

### Conclusion

The Tenant's application for dispute resolution is dismissed in its entirety. The tenancy has already ended by order of an Arbitrator on January 17, 2019.

The Tenant is at liberty to file a new application for dispute resolution seeking compensation against the Landlord.

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: February 25, 2019

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Residential Tenancy Branch