



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNL, LAC, LRE, OLC, MNDC, FF

### Introduction

The tenant applies to cancel a two month Notice to End Tenancy for landlord use of property received November 28, 2019. She also seeks orders regarding a lock change, landlord right of access, a compliance order and a monetary award for damage alleged to have occurred as the result of a wrongful entry by the landlords and for moving costs.

At the start of the hearing the parties were referred to Rule 2.3 of the Rules of Procedure requiring that the claims brought in an application be related to each other. This matter has been given priority hearing status because it involved the possible ending of a tenancy. The tenant's other claims were determined to be unrelated to that priority claim and were dismissed at the start of this hearing, with leave for the tenant to reapply.

Since the bringing of this application the tenant has decided to move-out in any event, citing a fear for her safety at the hands of the landlords. As a result, she withdraws her application to cancel the two month Notice in question.

Pursuant to s.55(1) of the *Residential Tenancy Act*, the landlord will have an order of possession for the January 31, 2020 effective date in the Notice.

The parties agree that the move-out inspection will take place at 3:00 p.m. on January 31, 2020. The tenant expressed a fear of the presence of one of the landlords and she was informed she was entitled to have assistance at the inspection or, indeed, should she fear an assault or a breach of the peace, to request police assistance beforehand.

Regarding the filing fee, I make no order for its recovery since the tenant has withdrawn her challenge to the two month Notice. However, I grant the tenant leave to seek its recovery at any future hearing, should it be shown that she had good reason to vacate this rental unit because of fear for her safety or well being caused by conduct of either landlord or their agents.

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: January 27, 2020

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Residential Tenancy Branch