



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPT

### Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant for an order of possession of the rental unit.

Both parties appeared.

### Preliminary and Procedural matters

At the outset of the hearing the tenant stated that they are currently under a court order not to attend the premise. The tenant stated that they have made an application in the courts to have that condition changed and want to go back to the rental premise if the order is granted.

The landlord's agent stated that they are holding the premise for the tenant should and if the court determines that the prohibition should be removed.

In this case, I find the tenant's application premature. I have no authority under the Act that would allow me to give the tenant possession of the unit as they are prohibited from residing or going to the premise. That matter is currently before the Provincial Court. Should the court determine the prohibition should be removed the landlord is holding the premise for the tenant.

Based on the above, I dismiss the tenant's application with leave to reapply, only if the court remove those prohibition and the landlord then does not give access to the rental unit.

Conclusion

The tenant's application is premature. The tenant's is granted 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 *ACT Tenancy Act*.

Dated: June 11, 2020

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Residential Tenancy Branch