



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, OLC, LAT, LRE

Introduction

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

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47;
- authorization to change the locks to the rental unit pursuant to section 70;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62;
- an order to suspend or set conditions on the landlord's right to enter the rental unit pursuant to section 70.

Both parties attended the hearing via conference call and provided affirmed testimony. Both parties confirmed the tenant served the landlord with the notice of hearing package via email. Neither party raised any service issues. The tenant stated that he did not serve the submitted documentary evidence package to the landlord. The landlord confirmed that no documentary evidence was submitted by her.

I accept the undisputed affirmed evidence of both parties and find that the tenant has sufficiently served the landlord with the notice of hearing package via email as confirmed by both parties. Both parties are deemed served as per section 90 of the Act.

I find that the tenant's documentary evidence shall be excluded from consideration in this decision as the tenant did not serve it to the landlord. The tenant failed to comply with sections 88 and 89 of the Act. The hearing shall proceed on the direct testimony of both parties.

I also note that the tenant made a written request for compensation in their application that was not processed and failed to provide an amount. The tenant stated that he seeks compensation, but as noted failed to provide any particulars for this claim. On this basis, I find that the tenant's application is without sufficient details and is dismissed.

Preliminary Issue(s)

During the hearing the tenant confirmed that his request for an order for the landlord to comply; an order authorizing the tenant to change the locks; and an order to suspend or set conditions on the landlord's right to enter the rental were cancelled by the tenant. The tenant stated that other than just prior to the application being filed, both parties agreed that there were no longer any related issues to resolve. On this basis, these portions of the tenant's application were withdrawn. No further action is required.

Extensive discussions with both parties revealed that the landlord had cancelled the original notice to end tenancy issued, a handwritten letter. The tenant confirmed receiving the landlord's notice to cancel that notice. I find that the tenant has been successful in his application for dispute. The tenant is granted a monetary order for recovery of the \$100.00 filing fee. As the tenancy continues, I authorize the tenant to withhold \$100.00, one-time from the next monthly rent upon receipt of this decision.

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: July 13, 2020

Residential Tenancy Branch