



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding COMMUNITY BUILDERS/C3hub
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

OPT

Introduction

This expedited hearing dealt with the tenant's application pursuant to section 54 of the *Residential Tenancy Act* (the "Act") for an order of possession.

Both parties attended the hearing and were given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses. The corporate respondent was represented by its agent (the "landlord").

The landlord confirmed receipt of the tenant's application. Based on the testimony I find the landlord duly served in accordance with sections 88 and 89 of the Act.

At the outset of the hearing the landlord provided the correct name of the corporate landlord and with the parties' consent the style of cause was amended to identify the correct respondent.

Issue(s) to be Decided

Is the tenant entitled to an Order of Possession?

Background and Evidence

While I have turned my mind to all the documentary evidence and the testimony of the parties, not all details of the respective submissions and arguments are reproduced here. The principal aspects of the claim and my findings around each are set out below.

The parties agree that there was a landlord-tenant relationship between the parties wherein the tenant rented a suite in a multi-unit building managed by the landlord. The tenant submits that they were kicked out of the rental unit without notice or cause by the

landlord and they now have no residence or access to personal possessions. The tenant provided no documentary evidence in support of their application. In addition to seeking an Order of Possession the tenant made various oral submission stating they would also seek monetary award for damages.

The landlord testified that this tenancy ended by way of a 1 Month Notice to End Tenancy for Cause which was issued on September 17, 2020. The tenancy ended October 31, 2020 and the landlord is storing the abandoned personal items pursuant to the requirements of *Residential Tenancy Regulation 25*.

Analysis

In accordance with section 54 of the Act a tenant who has entered into a tenancy agreement may request an order of possession of the rental unit.

In the present case, while the parties agree that there was an enforceable tenancy agreement between them at one point, the landlord gave evidence that the tenancy ended by way of an undisputed 1 Month Notice.

I find that there is little evidence in support of the tenant's position that there is an ongoing tenancy that gives rise to a right to access the rental unit. I find the tenant's testimony, without documentary materials in support and disputed by the landlord to be insufficient to meet their evidentiary burden of a balance of probabilities.

Accordingly, I dismiss the tenant's application without leave to reapply.

Conclusion

The tenant's application 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: November 30, 2020

Residential Tenancy Branch