



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

Dispute Codes: OPR, MNR, MND, MNDC, MNSD, LRE, OLC, PSF, RPP, FF

Introduction

This matter dealt with an application by the Landlords for an Order of Possession and a monetary order for unpaid rent and utilities, for compensation for damages to the rental unit and for damage or loss under the Act or tenancy agreement as well as to recover the filing fee for this proceeding. The Landlords also applied to keep all or part of a security deposit. The Tenant applied for an order restricting the Landlords from entering the rental unit, to provide services or facilities, to comply with the Act and to return personal property. The Tenant also applied to recover the filing fee for this proceeding.

The hearing commenced as scheduled, however, after 10 minutes, the Landlords had not dialed into the teleconference. Consequently, there was no evidence in support of the claims on the Landlords' application and no evidence as to whether the Tenant was properly served. As a result, the Landlord's application is dismissed without leave to reapply.

The Tenant claimed that the tenancy ended on November 20, 2008 when the Landlords locked him out of the rental unit. Consequently, the Tenant confirmed that he is no longer seeking an order that the Landlord's right to enter the rental unit be restricted or that the Landlords provide services or facilities required by law. However, the Tenant claimed that when he went to retrieve his belongings on November 25, 2008, many of them were missing or damaged from being thrown outside. Consequently, I granted the Tenant an adjournment to amend his application to include a claim for compensation. The Tenant must serve the Landlords with a copy of his amended application and any new evidence in support of it.

Conclusion

The Landlords' application is dismissed without leave to reapply. The Tenant's application is adjourned to December 19, 2008 at 11:00 am for hearing.