



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **INTERIM DECISION AND REASONS**

Dispute Codes      ERP, OPT, RPP, MNR, MNDC, LRE, LAT

### Introduction

This hearing dealt with the applicant's Application for Dispute Resolution for various remedies under the Residential Tenancy Act (the "Act"), including a request for a monetary order for the cost of emergency repairs and for money owed or compensation for damage or loss, an order requiring the respondent to make emergency repairs, to return the applicant's personal property, and suspending or setting conditions on the respondent's right to enter the rental unit, and requesting an order of possession to the rental unit and authorizing the applicant to change the locks to the rental unit.

The applicant, his legal advocate and witness and the respondent and her witnesses appeared and were affirmed into the hearing.

### **Preliminary Issue:**

Prior to the hearing, the respondent had raised the issue of jurisdiction as to whether the Residential Tenancy Act applied to this dispute. As a result, I commenced the hearing for the purpose of hearing from the parties solely on the issue of jurisdiction.

Due to the respondent raising the issue, the respondent and her witnesses proceeded first in the hearing in support of her contention that the Residential Tenancy Act did not apply to this dispute.

For the purposes of this decision, I will refer to the parties as Applicant and Respondent.

### Issue(s) to be Decided

1. Does the *Residential Tenancy Act* apply to this dispute and do I have jurisdiction to resolve this dispute?
2. Has the applicant established an entitlement for the various requests made on his application listed above?

**Background and Evidence**

Due to the length of the testimony, the hearing concluded prior to the respondent completing presentation of her submissions through her witnesses' testimony.

**Interim Conclusion**

Due to the length of time dealing with the preliminary issue of jurisdiction, the hearing has been adjourned and scheduled to reconvene in accordance with section 64 of the *Residential Tenancy Act*.

At the reconvened hearing, the respondent will resume presentation of her submissions, after which the applicant will begin presentation of his submissions.

Additional documentary evidence will not be accepted from the parties in support of their claims or defences. Consideration will be given to the documentary evidence timely received prior to the hearing.

This hearing is adjourned to the date specified in the enclosed Notice of Adjourned Hearing.

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 14, 2011.

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Residential Tenancy Branch