



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      CNC, O

### Introduction

This matter dealt with an application by the Tenants to cancel a Notice to End Tenancy for Cause. The Parties agree that the Landlord did not serve the Tenants with a notice under s. 47 of the Act. The Landlord argues that she was not required to serve a notice because this was a tenancy excluded under s. 4 of the Act. In particular, she argued that she shared kitchen and bathroom facilities with the Tenants and that they were not co-Tenants but rather had separate tenancies.

### Conclusion

I make no finding as to whether this tenancy was a tenancy under the Act. However, as the Tenants no longer reside in the rental unit, I find that the purpose for the Tenants' application no longer exists and their application is accordingly dismissed. In the event the Tenants reapply for the return of their security deposit(s) and rent payment(s), they would be advised to get the advice of an information officer from the Residential Tenancy Branch as to whether they should file a joint application or separate applications.

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: May 01, 2009.

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Dispute Resolution Officer