



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

CNR

Introduction

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained, evidence was reviewed and the parties were provided with an opportunity to ask questions about the hearing process. They were provided with the opportunity to submit documentary evidence prior to this hearing, all of which has been reviewed, to present affirmed oral testimony evidence and to make submissions to me. I have considered all of the evidence and testimony provided.

Issue(s) to be Decided

Is the tenant entitled to more time to dispute a Notice to End Tenancy for Unpaid Rent issued on October 5, 2009?

Should the Notice to End Tenancy issued on October 5, 2009 be cancelled?

Background and Evidence

During the hearing the landlord's legal counsel confirmed that the 10 Day Notice to End Tenancy for Unpaid rent dated October 5, 2009 was signed and served to the tenant by the previous rental unit owner and that this individual had no legal right to issue the Notice. Therefore; it was agreed that the Notice to End Tenancy issued October 5, 2009 is of no force or effect.

During the hearing it was established that the rental unit property was sold to the respondent on August 26, 2009 and that the previous owners remained in the upper rental unit. The tenant stated that he was confused as to whom his landlord was and that the original landlord acted as if they continued to possess authority over the rental unit. The tenant's evidence indicates that the tenant made a rent payment to the previous landlord's and that the rent has been paid.

On November 13, 2009 the landlord issued a 10 Day Notice to End tenancy for Unpaid rent in the sum of \$550.00 due on November 1, 2009. This notice is signed by the current owner of the rental unit.

Analysis

The landlord has confirmed that the 10 Day Notice to End Tenancy for Unpaid Rent issued on October 5, 2009 is of no force or effect as it was issued by individuals who had no authority to act for the landlord.

I have not considered the Notice issued on November 13, 2009 as there is no evidence before me that the tenant has made Application for Dispute Resolution to dispute this Notice. As the Notice to End Tenancy that is before me is cancelled, I have not considered the tenant's submission that amount indicated as owed on this Notice has been paid to the previous landlord.

As the tenant's Application has merit the tenant is entitled to filing fee costs.

Conclusion

The Notice to End Tenancy issued on October 5, 2009 is of no force or effect. This tenancy will continue.

As the tenant is entitled to filing fee costs he may deduct the filing fee cost in the sum of \$50.00 from the next month's rent due.

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, 2009.

Dispute Resolution Officer