



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR, MNR

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested an Order of possession and monetary Order for unpaid rent.

The landlord provided affirmed testimony that each of the 2 respondents were served copies of the Application for Dispute Resolution and Notice of Hearing via registered mail sent to the rental unit address on February 24, 2012. The mail was refused and returned to the landlord.

The landlord supplied a copy of a tenancy agreement signed by an individual who was not named as a respondent. The 2 individuals who the landlord did name as respondents have been residing in the rental unit without the written consent of the landlord. Neither respondent has paid rent to the landlord; no written approval was given to the tenant, allowing sublet, as required by clause 9 of the tenancy agreement. Therefore, I found that the respondents are each occupants.

The landlord stated that the tenant is currently residing in the unit and has not given notice ending the tenancy. Therefore, in the absence of evidence to the contrary, I found that the tenant continues to reside at the unit and that his service address continues to be at the rental unit.

Therefore, the application naming the occupants is dismissed.

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: March 13, 2012.

Residential Tenancy Branch