



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes:**

CNC

### **Introduction**

This Hearing was scheduled to hear an application to cancel a One Month Notice to End Tenancy for Cause (the "Notice") issued March 5, 2012.

This application was scheduled to be heard via teleconference on March 28, 2012, at 3:00 p.m. The Landlord's agents signed into the conference on time and were ready to proceed, however by 3:10 p.m., the Applicant had not yet signed into the teleconference.

### **Preliminary Matters**

The tenancy agreement provided in evidence by the Landlord indicates that the tenant is RB. The Application for Dispute Resolution is filed by a different person (the "Applicant"), who is not party to the tenancy agreement.

The Landlord's agents testified that RB is deceased, that they do not recognize the name of the Applicant, and that the Applicant is not on any "family" list that they have for the tenant. The Landlord's agents also stated that they sent copies of their documentary evidence to the Applicant at the address provided on the Application for Dispute Resolution and that it was returned "moved/unknown".

The Landlord's agents asked for an order of possession.

### **Analysis**

It is practice to dismiss an Application for Dispute Resolution, without leave to reapply, if the Respondent attends the Hearing but the Applicant does not. Section 55 of the Act requires me to provide the Landlord with an order of possession if a **tenant** makes an application to cancel a notice to end a tenancy, which is dismissed at the Hearing, and the Landlord makes an oral request for an order of possession at the Hearing.

The Residential Tenancy Act applies to tenancy agreements between tenants and landlords. The Applicant is not a tenant under the tenancy agreement and did not provide any documentation authorizing her to make an application on behalf of the tenant or any documentation indicating that she is authorized to act for the estate of the

tenant. Furthermore, the Landlords' agents did not recognize or accept the Applicant as an authorized party for the tenant.

I find that there is insufficient evidence that the Applicant has authority to make the Application on behalf of the tenant and therefore I decline jurisdiction in this matter.

The Landlord's agents were advised to speak to an Information Officer if they had any questions about alternate methods of obtaining an order of possession.

### **Conclusion**

I find that there is insufficient evidence that the Applicant has authority to file the Application on behalf of the tenant and **decline jurisdiction in this matter.**

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 29, 2012.

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Residential Tenancy Branch