



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, O

Introduction

This hearing was scheduled to deal with a tenant's application to cancel a Notice to End Tenancy for Cause and other issues. Both parties appeared or were represented at the hearing and were provided the opportunity to make relevant submissions, in writing and orally pursuant to the Rules of Procedure, and to respond to the submissions of the other party.

Preliminary and Procedural Matters

The landlord's agent submitted that the applicant is not a tenant and referred me to a previous dispute resolution proceeding under file no. ##### where an Order of Possession and Monetary Order for unpaid rent was granted to the landlord on May 29, 2012. The landlord's agent submitted that the tenancy agreement names only one tenant and that tenant is required to pay rent of \$1,300.00 per month for the entire rental unit. The Order of Order of Possession and Monetary Order issued May 29, 2012 name that tenant. The landlord's agent was of the belief the tenant has left the property but the applicant has remained despite her agreement to vacate the property by June 20, 2012.

The applicant was of the position she was a tenant of the property. The applicant submitted that the landlord signed an "Intent to Rent" form for her to give to Income Assistance and she has been occupying the rental unit since January 2011 with the named tenant. She has been paying \$400.00 per month for one of the bedrooms and shared living space. The named tenant did not inform her of the landlord's proceedings against him. The applicant acknowledged that she has not paid any rent for June 2012 and she advised the landlord she would vacate the property by June 20, 2012; however, the applicant explained that her new accommodation would not be available until the end of June 2012 due to a fire in the new location. The applicant is seeking authorization to remain in the rental unit until the end of June 2012.

The applicant did not provide a Notice to End Tenancy for Cause as evidence although she indicated she wished to dispute such a Notice in filing this Application for Dispute

Resolution. Rather, upon hearing from the parties I am satisfied that a Notice to End Tenancy for Cause was not issued to the tenant. Accordingly, I make no finding as to whether a Notice to End Tenancy for Cause should be upheld or cancelled.

It would appear the applicant is seeking an extension of time to remain in the property. As the parties were informed during the hearing, decisions and Orders are final and binding unless a new hearing or a review hearing is ordered upon an Application for Review Consideration or a decision made pursuant to a Judicial Review. In this case, a new hearing has not been ordered and the purpose of this hearing was not to conduct a review hearing or a new hearing. The decision and orders issued May 29, 2012 under file no. 791135 cannot be changed or altered by way of this Application for Dispute Resolution.

In light of the above, I refuse to further consider this application as the application does not disclose a dispute that may be determined under the Act. The landlord remains at liberty to enforce the Order of Possession already provided the landlord on May 29, 2012.

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: June 26, 2012.

Residential Tenancy Branch