



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC

This hearing dealt with an Application to cancel a one month Notice to End Tenancy (the "Notice to End").

The Application was filed by an occupant at the rental unit (the "Occupant").

The Occupant's name does not appear on the written tenancy agreement.

The Occupant testified he is the father of the two Tenants listed on the tenancy agreement. There was no evidence that the Tenants gave the Occupant permission to file this Application on their behalf, or to act as their advocate, agent or representative in this matter.

I find the Occupant is not a tenant as defined under the Act and he has no evidence he has standing or authority under the Act to make this Application. Therefore, I dismiss the Application without leave to reapply.

I also note the Occupant did not provide a copy of the Notice to End in evidence. The Occupant filed this Application on July 23, 2012, but did not provide a copy of the Notice to End at that time. He alleges he was informed to provide the Notice to End with his evidence, which he was submitting at a later date. The Occupant testified that after he made the Application, the rental unit property was hit by lightning and the evidence on his computer was not available for this hearing. The Occupant was requesting an adjournment to provide this evidence once it is recovered from his computer.

I declined the request for an Adjournment as I found the Occupant has no legal authority or standing to make this Application in the first instance, and therefore, an adjournment would prejudice the Landlord.

I also note the hearing package provided to all applicants contains instructions on evidence and the deadlines to submit evidence, as does the Notice of Hearing provided to the Occupant. The Notice to End document is not a mere technicality. In fact, it is hard to imagine another document being more relevant or material to this type of claim, in particular when someone is asking to have this document cancelled. I find the

Occupant provided insufficient evidence by not providing the Notice to End. Regardless of this, the Application is dismissed for the reasons set out above.

Following my dismissal of the Application, the Agent for the Landlord orally requested an order of possession.

The Agent testified he served the Tenants with the Notice to End on July 12, 2012, and the effective end date was shown as August 12, 2012. Under section 53 of the Act, the effective date of the one month Notice to End automatically corrects to August 31, 2012.

I find that there is insufficient evidence that the Tenants filed an Application to dispute the Notice to End within the required time limits. The only Application to cancel this Notice has been dismissed.

For all the above reasons and pursuant to sections 55 and 62 of the Act, I find I must grant the Landlord's request for an order of possession.

I grant and issue an order of possession effective at **1:00 p.m. on August 31, 2012**. This order must be served on the Tenants and may be enforced in the Supreme Court of British Columbia.

This decision is final and binding on the parties, unless otherwise provided under the Act, and is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: August 16, 2012.

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Residential Tenancy Branch