



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, MNDC, OPT, RR

Introduction

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order Cancelling a Notice to End Tenancy - Section 47;
2. A Monetary Order for compensation – Section 67;
3. An Order of Possession – Section 54; and
4. An Order for a rent reduction – Section 65.

Preliminary Matter

At the onset of the hearing the Tenant stated that she has moved out of the unit on March 31, 2014 on the insistence of the Witness, the property manager of the building with the unit, but has left her belongings at the unit and is now homeless. As the Tenant has moved out of the unit, I find that the dispute over the notice to end tenancy for cause (the “Notice”) is no longer relevant and I therefore dismiss the claim for a cancellation of the Notice and the claim for a rent reduction. As the claim for compensation is in relation to events occurring during the tenancy that has ended and is not materially related to the dispute over the possession of the unit, I dismiss this claim with leave to reapply.

Issue(s) to be Decided

Is the Tenant entitled to an order of possession?

Background and Evidence

The tenancy started on December 7, 2013. Rent of \$600.00 was payable monthly and at the outset of the tenancy the Landlord collected \$300.00 as a security deposit.

The Landlord was renting a one bedroom apartment from the Witness and without permission of the Witness, rented out a bedroom to the Tenant. The Landlord shared the unit with the Tenant until a dispute arose between them and the Landlord served the Tenant with the Notice with an effective date of March 31, 2014. The Landlord also ended her tenancy with the Witness and moved out February 19, 2013 but paid the March 2014 rent. Although the Tenant was given an opportunity by the Witness to apply for the unit, the Tenant never made the application as she was informed by the Witness that the application would be refused. The Tenant's belongings are still in the unit and the Witness has agreed that the Tenant may make arrangements to collect her belongings and any mail that may come over the next couple of weeks.

Analysis

Section 54 of the Act provides that a tenant who has entered into a tenancy agreement with a landlord may request an order of possession of the rental unit by making an application for dispute resolution. As the Tenant has not entered into a tenancy agreement with the Witness, I find that the Tenant is not entitled to an order of possession of the unit. I therefore dismiss this claim.

Conclusion

The application is dismissed with the exception of the claim for compensation, which is dismissed with leave to reapply.

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: April 11, 2014

Residential Tenancy Branch

