



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, FF

### Introduction

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

1. An Order of Possession - Section 55;
2. A Monetary Order for unpaid rent - Section 67; and
3. An Order to recover the filing fee for this application - Section 72.

The Landlord and Tenants were each given full opportunity to be heard, to present evidence and to make submissions.

### Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession?

### Background and Evidence

The following are undisputed facts: The tenancy of the unit started in July 2012 with a 3<sup>rd</sup> party not named as a tenant or respondent in the Landlord’s application. The tenancy has been renewed every three months since this onset. The current rent is \$800.00 and no rent was outstanding when the Landlord served the Respondents with a 10 day notice to end tenancy for unpaid rent indicating rent owed of \$800.00. The original tenant with whom the Landlord has a written tenancy agreement continues to live in the unit and the named Respondents are living in the unit as well and paying a rental amount to the original tenant. The original tenant has paid all rent as due under the tenancy agreement and no rents are outstanding. The Landlord does not seek to

end the tenancy of the original tenant but wishes to have the Respondents removed from the unit.

### Analysis

Section 6 of the Act provides that the rights, obligations and prohibitions established under this Act are enforceable between a landlord and tenant under a tenancy agreement. As the Landlord does not have a tenancy agreement with the Respondents, there is no tenancy agreement to enforce against the Respondents. Should the Landlord seek an order of possession of the unit or removal of the named respondents, the Landlord may only seek a remedy against the original and continuing tenant under their tenancy agreement. As such I dismiss the Landlord's application.

### Conclusion

The Landlord's application 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: May 06, 2014

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Residential Tenancy Branch

