



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes O

Introduction

A hearing was conducted by conference call in the presence of the landlord and in the absence of the tenant although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Issue(s) to be Decided

The issue to be decided is whether the landlord is entitled to an Order for Possession?

Background and Evidence

On August 1, 2014 the landlord and the respondent and another co-tenant entered into a written tenancy agreement that provided that the rent would be \$1180 per month payable in advance on the 1st day of each month. On November 27, 2014 the co-tenant gave the landlord written notice he was ending the rental agreement with the landlord effective December 31, 2014.

Policy Guideline #13 includes the following:

“Where co-tenants have entered into a periodic tenancy, and one tenant moves out, that tenant may be held responsible for any debt or damages relating to the tenancy until the tenancy agreement has been legally ended. If the tenant who moves out gives proper notice to end the tenancy the tenancy agreement will end on the effective date of that notice, and all tenants must move out, even where the notice has not been signed by all tenants. If any of the tenants remain in the premises and continue to pay rent after the date the notice took effect, the parties may be found to have entered into a new tenancy agreement. The tenant who moved out is not responsible for carrying out this new agreement.”

The landlord testified the tenant vacated the rental unit this last weekend and it was no longer necessary for her to obtain an Order for Possession.

As the tenant has vacated the rental unit I dismissed the landlord's application for an Order for Possession as such an order is moot.

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: January 19, 2015

Residential Tenancy Branch

