



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

The tenant applies to cancel a ten day Notice to End Tenancy dated February 1, 2015, given for unpaid rent and utilities.

The respondent “landlord” Mr. M. is a joint tenant of the premises, with the applicant, under a written fixed term tenancy agreement with a third party. Mr. M. gave the Notice to the applicant Mr. H., his co-tenant, because Mr. H. failed to reimburse him for his share of the rent.

Section 46 of the *Residential Tenancy Act* permits a landlord to issue an eviction notice for non-payment of rent. It does not permit a co-tenant to evict his co-tenant for not paying a share of the rent.

The tenant’s application is allowed. The Notice to End Tenancy dated February 1, 2015 is cancelled as invalid.

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: February 18, 2015

Residential Tenancy Branch

