



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes cnr

Introduction

The applicant applies for an order to cancel a 10 day Notice to End Tenancy given for unpaid rent.

Issues to Be Decided

- Does the applicant have standing to bring this application?
- If so, should the Notice be cancelled, and the tenancy continue?

Background and Evidence

On November 1, 2014 the landlord rented this house to a male tenant, with monthly rent of \$2,000.00. The male tenant, in turn, sublet the basement suite to the applicant, with monthly rent of \$1,000.00. The applicant's rent was paid each month directly to the male tenant by way of social assistance cheques. On January 18, 2015, the male tenant notified the landlord that he could no longer afford to rent, and soon thereafter he abandoned the premises. The landlord has received no rent since.

The applicant agreed to also move out, but has not done so, as she has been unable to find another place to rent. On February 9, 2015, the landlord served the applicant with a 10 day Notice to End Tenancy.

Analysis

By its very definition and nature, a sub-tenancy cannot exceed the duration of the head tenancy. The tenancy of the male tenant, who had rented the entire house from the landlord, effectively ended when he abandoned the premises. Accordingly, the sub-tenancy of the applicant also ended coincidentally with the ending of the head tenancy. The applicant therefore has no right to remain and occupy the landlord's premises. She is not a tenant of the landlord, and the 10 day Notice given by the landlord was unnecessary, and meaningless, as the applicant never had any obligation to pay rent to the landlord.

Since the applicant is not a tenant, she has no standing to bring this application, and the claim is dismissed accordingly.

Conclusion

The claim 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: March 04, 2015

Residential Tenancy Branch

