



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CAPREIT
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC FF

This hearing dealt with an Application for Dispute Resolution to cancel a 1 Month Notice to End Tenancy for Cause and to recover the filing fee.

Both parties appeared.

Preliminary matter

At the outset of the hearing the landlord's agent indicated that the applicant is not the tenant under the tenancy agreement. The landlord stated that they spoke to the tenant and they indicated the landlord has to do what is necessary.

The applicant acknowledged that they are an occupant under the terms of the tenancy agreement.

In this case the occupant filed an application for dispute resolution, not the tenant. The occupant has no rights or obligations under the Act. The occupant did not have the right to dispute the notice. There was no evidence that the tenant was disputing the notice. Therefore, I decline to hear the application due to lack of jurisdiction.

Under normal circumstance, the landlord would be entitled to an order of possession when the tenant's application is dismissed. However, in this case the tenant did not file an application for dispute resolution. As I result, I am unable to grant the order of possession pursuant to section 55 of the Act.

However, the landlord is entitled to make an application for an order of possession, should the tenant and all occupants not vacate the rental unit.

At the hearing the landlord agreed to extend the effective date of notice to November 30, 2016, subject to November 2016, rent being paid to allow the occupants more time to find alternative housing..

Conclusion

The applicant is not a tenant under the Act and has no rights or obligation under the Act. Therefore, I decline to hear the matter due to lack of jurisdiction.

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: October 24, 2016

Residential Tenancy Branch

