



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding GALATIA REALTY INC.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes O

Introduction

The tenants apply to have an “anonymous evacuating notice” set aside.

The tenants are co-tenants in a one bedroom apartment. The written tenancy agreement states that the tenancy began February 20, 2010. The current monthly rent is \$890.00. The landlord holds a \$412.50 security deposit and a \$412.50 pet damage deposit.

The co-tenant Mr. J.D. did not attend this hearing.

Mr. E.K. attended for the respondent landlord SJF. The landlord is actually an entity named G.R. Inc. operating as the respondent SJF and has been added by me as a respondent in the style of cause.

The applicant tenant Ms. C.S. describes herself as Mr. J.D.’s caregiver and has been for the past 20 years.

Mr. J.D. has been hospitalized since September 2016.

Recently, a psychiatrist purporting to be treating Mr. J.D. has written to the landlord stating that Mr. J.D. cannot return to the rental unit and giving “30 days notice” that Mr. J.D. will be vacating the rental unit by February 27, 2017.

The landlord received the psychiatrist’s letter but has taken no steps itself to end the tenancy or cause Ms. C.S. to move out. It issued a ten day Notice to End Tenancy for unpaid rent for March but Ms. C.S. paid the rent within five days of receipt of that Notice.

Ms. C.S. takes the position that the psychiatrist did not have the authority to issue the letter in question. She has sent her application for dispute resolution to the psychiatrist and to the respondent Ms. C.M., the program coordinator at the facility where Mr. J.D. is now lodged, desiring them to attend to show by what authority they purport to end this tenancy. Neither attended the hearing or filed any documentary material.

As stated at hearing, the issue of the authority of the psychiatrist is not one that can be dealt with at this hearing. The landlord has not taken action to end the tenancy in reliance upon the letter from the psychiatrist and so any decision would be merely hypothetical. Until the tenants' landlord takes some overt action, for example: applying for an order of possession based on the letter, the tenants do not have a dispute that can be resolved in this forum.

As a result, this tenancy appears to continue and the tenants' application is dismissed without any finding of fact having been made or decision made on any issue but for the mootness of her present claim.

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 16, 2017

Residential Tenancy Branch