



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPT

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant for an order of possession.

Both parties appeared, gave testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions at the hearing.

Issue to be Decided

Should the tenant be granted an order of possession?

Background and Evidence

The tenant testified that they have occupied the rental unit for approximately four years. The tenant stated that they advertised on a website for a roommate, who was added as a co-tenant to the tenancy agreement.

The tenant testified that they left the province for school and work; however, when they returned they were denied access to the rental unit.

The landlord testified that this is a dispute between the tenants. The landlord stated that the co-tenant ended the tenancy, and created a new tenancy with their boyfriend.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

In this case, the tenant subject to today's hearing was attending and working in another province. The co-tenant ended the joint tenancy between the two tenants while they were out of the province, the co-tenant had the legal right to do so under the Act.

The co-tenant then entered into a new agreement with the landlord adding their boyfriend and a new tenancy commenced.

While I accept the co-tenant may have done this without the knowledge of the other tenant. That is an issue between the tenants, not the landlord. I find the tenant has failed to prove a violation of the Act, by the landlord. Therefore, as the tenancy had legally ended, I find the tenant is not entitled to an order of possession. I dismiss the tenant's application without leave to reapply.

Conclusion

The tenant's application for an order of possession 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 23, 2018

Residential Tenancy Branch