



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, MT, FF

Introduction

This hearing was scheduled to deal with a tenant's application to cancel a 10 Day Notice to End Tenancy for Unpaid Rent and more time to make this application. The tenant appeared at the hearing; however, there was no appearance on part of the landlord. Since there was no appearance on part of the landlord I proceeded to explore service of the hearing documents upon the landlord. The tenant testified that she sent a hearing package to the landlord via registered mail on March 24, 2018 and it was successfully delivered on March 31, 2018. The tenant provided a registered mail tracking number as proof of service. I was satisfied the named landlord was duly served with notification of this proceeding and I continued to hear from the tenant without the landlord present.

Preliminary and Procedural Matters

I noted that the tenant named on this application is a corporation whereas the tenant named on the 10 Day Notice before me is an individual. The tenant stated that she used her company's name in filing because she runs the business from her home and that she considers herself and her corporation to be one in the same. The tenant stated that there is no written tenancy agreement. The tenant agreed that the Application for Dispute Resolution should reflect the name appearing on the 10 Day Notice and I amended the application accordingly.

The tenant stated that since receiving the 10 Day Notice and filing this Application for Dispute Resolution the subject property has been sold to a new owner, effective May 18, 2018. The tenant stated that she considers the matter with the former owner to be resolved since he cashed the cheque she issued for the rent shortfall and the new owner are working together and that the tenancy is ending shortly because the tenant has purchased her own home.

Since I heard the property ownership has changed and the landlord named on this Application for Dispute Resolution is no longer the owner of the property, I did not give further consideration to issuing an Order of Possession to the landlord named on this Application for Dispute Resolution. Since there was no appearance on part of the current owner, I did not give further consideration to amending the Application for Dispute Resolution or issuing an Order of Possession to the current owner. Accordingly, I cancel the 10 Day Notice and the tenancy continues until such time it legally ends.

The tenant initially requested recovery of the filing fee paid for this application from the former owner; however, after I explained the process for enforcing a Monetary Order the tenant withdrew her request for recovery of the filing fee. Therefore, I did not give further consideration to awarding the tenant recovery of the filing fee.

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: June 06, 2018

Residential Tenancy Branch