



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* ("Act") for an Order of Possession for unpaid rent and utilities pursuant to section 55.

The tenants did not attend this hearing, which lasted approximately 10 minutes. The landlord attended the hearing, represented by counsel, and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The landlord testified that the landlord's application for dispute resolution dated September 6, 2018 was served on all of the named respondents by posting on the rental unit door on September 13, 2018. In accordance with sections 88, 89 and 90 of the Act, I find that all of the named respondents were deemed served with the landlord's application and materials on September 16, 2018, three days after posting.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

The landlord gave undisputed evidence regarding the following facts. A periodic tenancy began in November, 2016 between the landlord and the named respondent RB. The monthly rent for that tenancy was \$725.00 payable on the first of each month. The tenant gave notice to end the tenancy in November, 2017 and subsequently vacated the rental unit.

The landlord testified that the two other named respondents were not included in the tenancy agreement with RB and are not tenants under the *Act*. The landlord said that the two respondents have nevertheless occupied the rental suite and have refused to vacate the premises.

None of the respondents have paid any amount of rent since November, 2017. While the landlord issued 10 Day Notices to End Tenancy for Unpaid Rent on the respondents the landlord confirms that there is no obligation on any of the respondents to pay monthly rent. The tenancy with the respondent RB ended in November, 2017 and the other two respondents were never tenants permitted to occupy the rental unit.

Analysis

I find that with the exception of the respondent RB the other named respondents are not tenants as contemplated under the *Act* but simply occupants. Residential Tenancy Guideline 13 sets out that where a tenant allows a person to move into the premises, the new occupant has no rights or obligations under the tenancy agreement unless all parties agree to enter into a tenancy agreement. I accept the undisputed evidence of the landlord that the occupants were not made a party to any tenancy agreement and consequently, have no rights or obligations under the tenancy agreement. I find that I have no jurisdiction to issue an order against individuals who are not parties to the tenancy agreement and remove them as respondents for this application.

I accept the landlord's undisputed evidence that there was a tenancy agreement with the respondent RB from November, 2016 to November, 2017. I accept the landlord's evidence that the tenant gave notice to end this tenancy and this tenancy has now ended. Accordingly, I find that the landlord is entitled to an Order of Possession against the respondent RB and issue one effective two days after service.

Conclusion

I grant an Order of Possession to the landlord effective **2 days after service on the tenant**. Should the tenant or anyone on the premises fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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 23, 2018

Residential Tenancy Branch