



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute codes      OPN

### Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- an order of possession based on tenant's written notice to end tenancy pursuant to section 55.

The hearing was conducted by conference call. All named parties attended the hearing and were given a full opportunity to provide affirmed testimony, to present evidence and to make submissions. No issues were raised with respect to the service of the application and/or evidence on file.

### Issues

Is the landlord entitled to an order of possession?

### Background and Evidence

The tenancy began February 1, 2011. The rental unit is two bedroom ground floor unit. The tenant and her co-tenant K.P. are named in the original agreement. After this time the co-tenant moved out and the tenant has had five different roommates over the previous 8 years. Originally any new roommate would just be added as a co-tenant to the tenant's original lease agreement. However, the landlord subsequently started getting any new person to sign a new lease agreement independent of the tenant's lease. The new person paid their own rent to the landlord which was a different amount than that paid by the tenant.

The landlord testified that on January 4, 2019 the tenant provided written notice via e-mail to end the tenancy effective March 31, 2019.

The tenant submits that she did not provide any notice to the landlord to end her tenancy. The tenant submits that it was her latest roommate K.M. that provided the Notice and she has her own separate agreement with the landlord.

### Analysis

Pursuant to section 44 of the Act, a tenancy ends if a tenant gives notice to end the tenancy. Pursuant to section 55(2)(a) of the Act, a landlord may request an order of possession of a rental unit if a notice to end tenancy has been given by the tenant

I find that the tenant did not provide any notice to end her tenancy to the landlord. The notice was provided by her roommate who has a tenancy agreement independent of the tenant.

The landlord is not entitled to an order of possession.

### Conclusion

The landlord's application for an order of possession based on the tenant's notice to end tenancy is dismissed without leave to reapply.

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: February 11, 2019

---

Residential Tenancy Branch