



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC and MT

Introduction

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

- more time to make an application to cancel the landlord's One Month Notice to End Tenancy for Cause (the "One Month Notice") pursuant to section 66; and
- cancellation of the landlord's One Month Notice pursuant to section 47.

Applicant, G.S. appeared with assistant, T.T. R.H. and S.G. appeared on behalf of the respondent.

The One Month Notice was executed and served on February 07, 2019 by the apartment building management company (the "landlord"), stated on the cover page of this decision. The One Month Notice was addressed to the tenant non-profit society (the "tenant") stated on the cover page of this decision. The landlord testified that G.S. is not a tenant in the tenancy agreement but is an occupant. The landlord testified that the tenancy agreement is between apartment building management company and the non-profit society.

G.S. testified that he lives in the rental unit and he was not appearing on behalf of the tenant. G.S. also testified that he did not have authority to act on behalf of the tenant as their agent. There was no appearance by the tenant at the hearing and the respondent testified that the tenant has not filed an application to cancel the One Month Notice.

Section 47(c) of the *Act* states that a tenant may make an application to cancel a one month notice to end tenancy. However, G.S. is an occupant of the rental unit and not a

tenant. As such, G.S. does not have any standing to make an application to cancel the One Month Notice. Section 62(4)(b) of the Act states that an application that does not disclose a dispute that may be determined the Act may be dismissed. Accordingly, the occupant's application to cancel the One Month Notice is dismissed without leave to reapply. As there is no pending application for an order for possession, the tenancy between the rightful tenant and the landlord shall continue until it ends pursuant to the *Act*.

Conclusion

The application to cancel the One Month Notice 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: April 10, 2019

Residential Tenancy Branch