



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: CNC, MNCT, FFT

### **Introduction:**

The Application for Dispute Resolution filed by the Tenant seeks the following:

- a. An order to cancel the one month Notice to End Tenancy for cause that was received by the Applicant on June 19, 2019
- b. A monetary order in the sum of \$10,500

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the Application for Dispute Resolution/Notice of Hearing was served on the Respondent by mailing, by registered mail to where the Respondent resides on June 27, 2019. With respect to each of the applicant's claims I find as follows:

### **Issues to be Decided:**

The issues to be decided are as follows:

- a. Whether the Applicants are is entitled to an order cancelling the one month Notice to End
- b. Whether the Applicants are entitled to a monetary order and if so how much?

### **Background and Evidence:**

The Respondent and the son and daughter in law of the Applicant entered into a tenancy agreement that provided that the tenancy would start on March 1, 2017. The written tenancy agreement provided that the rent was \$948 per month. The Addendum included the following provisions:

2) Rent is \$948/month (\$200 going toward a future down payment and \$48 toward the City Utility bill).

\*If the potential future sale falls through the payments will not be returned to the tenants.

6) Any upgrades the tenant performs are at the tenants expense, unless in writing with the landlord.

There is a sub tenancy agreement between the Applicants and her son and daughter in law.

The one month Notice is confusing. It is dated July 10, 2019. However, the Applicants applied to cancel it on June 19, 2019. It is not in the approved government form. It is addressed to the son and daughter in law.

The landlord testified she served a 2 month Notice to End Tenancy on the son in daughter in law dated June 20, 2019 in the approved government form. Neither party produced a copy of this document.

Analysis:

I determined that the tenancy agreement is between the Respondent and the son and daughter in law. The Applicants do not have standing to bring a claim against the Respondent as they are not Tenants of the Respondent. The son and daughter in law are the parties that should be bringing the claim.

As a result I ordered that the application of the Tenants against the Respondent be dismissed to cancel the one month Notice to End Tenancy and a monetary order be dismissed without leave to re-apply.

Further, it may be that the Residential Tenancy Act does not apply as it appears that \$200 of the payment was to be credited to a possible down payment. However, that issue cannot be determined in the absence of the son and daughter in law.

The Applicant testified was the Notice she seeks to cancel was a typed letter addressed to her son and daughter in law day July 10, 2019. If the Residential Tenancy Act applies this is not sufficient notice to end the tenancy as it is not in the approved government form.

Conclusion:

I dismissed the application brought by the Applicants against the Respondent as I determined the Applicants are not tenants of the Respondent and that the Applicants do not have standing to bring the claim against this Respondent.

**This decision is final and binding on the parties.**

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: August 16, 2019

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Residential Tenancy Branch