



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding THE JOHN HOWARD SOCIETY OF THE LOWER MAINLAND OF
B.C. and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC

Introduction

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

- an order of possession for cause, pursuant to section 55.

The tenant did not attend this hearing, which lasted approximately 12 minutes. The landlord's two agents, landlord BM ("landlord") and "landlord JM" attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. Both landlord agents confirmed that they were the property managers, and both had permission to represent the landlord company named in this application.

Pursuant to section 64(3)(c) of the *Act*, I amend the landlord's application to correct the legal name of the landlord company. The landlord consented to this amendment during the hearing.

At the outset of the hearing, the landlord confirmed that the tenant vacated the rental unit and the landlord took back possession and cleaned the unit. The landlord stated that the tenant moved into another unit offered by the landlord and he wanted an order of possession for that other unit.

The landlord confirmed that this application and the 1 Month Notice to End Tenancy for Cause, dated November 25, 2019 ("1 Month Notice") issued by the landlord to the tenant, only listed the former rental unit, not the current unit in which the tenant is currently residing.

I notified both landlord agents that the landlord's application was dismissed without leave to reapply, as the landlord already took back possession of the former rental unit. I informed them that the 1 Month Notice was cancelled for the above reason. I informed them that I could not simply change the rental unit address at the hearing, to include a completely different unit, without the tenant present to consent to an amendment.

I notified both landlord agents that if they wanted to pursue this matter further, they needed to provide proper notice to the tenant. I informed them that they were at liberty to issue a new notice to end tenancy and file a new application, with the correct rental unit information. I notified them that they could consult a lawyer for legal advice or an RTB information officer for information only, not legal advice. They confirmed their understanding of same.

Conclusion

The landlord's application is dismissed without leave to reapply.

The landlord's 1 Month Notice, dated November 25, 2019, is cancelled and of no force or effect.

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: March 09, 2020

Residential Tenancy Branch