



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPT

This hearing was scheduled for a conference call at 9:30 a.m. on this date in response to the tenant's application seeking an order of possession pursuant to section 54 of the Act. The tenant participated in the teleconference along with the landlord's agent. At the outset of the hearing the landlord's agent testified that the unit has been rented by a third party and took possession of the unit on February 5, 2020. In addition, the tenant testified that she didn't want to make this application or have this hearing but was only seeking some accountability and an apology.

It was explained to both parties that as the unit has been taken by another party, third party rights must be considered and that the Branch would be unable to remove one tenant to place another in the subject unit. Both parties indicated that they understood. Furthermore, the parties were provided general information about an alternative resolution. Since the unit is occupied by a third party, I must therefore dismiss this application in its entirety 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: March 06, 2020

Residential Tenancy Branch