



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, OLC, LRE, PSF, LAT, AS

### Introduction

This hearing was convened as a result of the Applicant's Application for Dispute Resolution, made on July 17, 2020 (the "Application"). The Applicant applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- an order to cancel a One Month Notice for Cause;
- an order restricting or suspending the Landlord's right to enter the rental unit;
- an order that the Landlord comply with the Act, tenancy agreement, or regulations;
- an order that the Landlord provide a service or facility;
- an order authorizing the Tenant to change the locks on the rental unit; and
- an order authorizing the Tenant to assign a sublet.

This matter was set for hearing by telephone conference call at 9:30 A.M. (Pacific Time) on August 25, 2020. Only the Respondent attended the hearing at the appointed date and time. No one appeared for the Applicant. The line remained open while the phone system was monitored for 17 minutes and no one called into the hearing during this time for the Applicant.

### Preliminary Matters

At the start of the hearing, the Respondent stated that the Applicant is not a tenant listed on the tenancy agreement. The Respondent stated that the Tenant passed away on April 7, 2020 and that the Applicant was a friend of the Tenant who did not reside with the Tenant. The Respondent stated the occupant was meant to gather some belongings but has now remained in the rental unit without permission. The Respondent stated that he has not added the occupant to the pre existing tenancy agreement and has not commenced a new tenancy with the occupant. The Respondent stated that he wants vacant possession of the rental unit, however, the occupant has changed the locks to the rental unit and refuses to leave.

The Residential Tenancy Policy Guideline 13 states that;

If a tenant allows a person to move into the rental unit, the new person is an occupant who has no rights or obligations under the tenancy agreement, unless the landlord and the existing tenant agree to amend the tenancy agreement to include the new person as a tenant. Alternatively, the landlord and tenant could end the previous tenancy agreement and enter into a new tenancy agreement to include the occupant.

In light of the above, I dismiss the Applicant's Application in its entirety without leave to reapply as I find that the Applicant is an occupant who has not rights or obligations under the tenancy agreement.

### Conclusion

The Applicant's Application is dismissed in its entirety as the Applicant is an occupant who has not rights or obligations under the tenancy agreement.

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 25, 2020

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Residential Tenancy Branch