



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FFL

Introduction

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order ending the tenancy early and an Order of Possession - Section 56;
and
2. An Order to recover the filing fee for this application - Section 72.

The Tenant did not attend the hearing. The Landlord was given full opportunity to be heard, to present evidence and to make submissions.

Background and Evidence

The Landlord states that the person named as the Tenant in this application moved out of the unit around March 2020 and that the Landlord subsequently entered into an oral agreement with the original Tenant’s roommate. The Landlord states that this roommate was given a one month notice to end the tenancy for cause (the “Notice”) and that this person and three others disputed the Notice in a previous hearing held August 27, 2020. The decision for that dispute cancelled the Notice and is referenced on the cover page of this decision. The Landlord states that on September 23, 2020 this application for dispute resolution was served in person on an adult occupying the unit.

Issue(s) to be Decided

Is the Tenant a tenant under a tenancy agreement with the Landlord?

Analysis

Section 2(1) of the Act provides that Despite any other enactment but subject to section 4 [*what this Act does not apply to*], this Act applies to tenancy agreements, rental units and other residential property. Section 58(0.1) of the Act provides that except as restricted under this Act, a person may make an application to the director for dispute resolution in relation to a dispute with the person's landlord or tenant. Based on the Landlord's evidence that it entered into another tenancy agreement with a person or persons who are not named as the Tenant in this application, I find that the person named as a Tenant in this application is not a tenant under which this application may proceed. I therefore dismiss the application.

Conclusion

The application is dismissed.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: September 29, 2020

Residential Tenancy Branch