



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNL, OLC

### Introduction

This hearing dealt with an Application for Dispute Resolution filed by the tenant on October 5, 2018, to cancel a Two Month Notice to End Tenancy for Landlord's use of Property issued on or about September 25, 2018.

On October 9, 2018, the parties were at a hearing and on November 20, 2018, the Arbitrator determined that there was no jurisdiction under the RTA, as the tenant owned their own accommodation, the motorhome. The Arbitrator further determined that the MHPTA did not have jurisdiction on this matter.

On November 28, 2018, the tenant was served with a Notice to Vacate Under a License to Occupy, which the landlord was entitled to do so at that time based on the original decision. The tenant did not apply to the Supreme Court to request a stay of enforcement on this notice, nor was a judicial review filed on the original decision at this time. The tenant vacated the premises on December 29, 2018. I find the any relationship of tenancy ended on December 29, 2018.

It was not until March 28, 2019, the tenant applied for judicial review, which was after they had vacated the site and the tenancy had ended.

On October 10, 2019, the Honourable Justice set aside the original decision made on November 20, 2018 and the original file was remitted back to a new arbitrator for a new hearing.

It was not until August 13, 2020, that the landlord requested a re-hearing of this matter. The landlord stated that they only requested that this matter be rescheduled as they are worried about the tenant making future claims.

In this case, the parties agreed that the tenant removed their belongings from the site on December 29, 2018. As the application before me relates to a notice to end tenancy and whether this tenancy should continue. I find I do not need to consider this dispute as any relationship between the parties had legally ended on December 29, 2018, when the tenant vacated the site.

I am not prepared to argue jurisdiction when the application does not disclose any other disputes for me to considered. Therefore, I refuse to accept this application pursuant to section 59(5) of the Act.

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: October 07, 2020

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Residential Tenancy Branch