



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, CNL, MNDCT

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant filed under the *Residential Tenancy Act* (the “Act”) to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the “Notice”) to cancel a Two Month Notice to End Tenancy For Landlord’s Use of Property, (the “Two Month Notice”) and for the return of the security deposit.

Only the tenant appeared. On August 2, 2022, the tenant was granted a substituted service order, which required the tenant to serve the landlords by email. At the hearing it was determined that the tenant did not comply with the substituted service order as the landlords were not served. Therefore, I find I must dismiss the tenant’s application .

In this case, the tenant was under a sublease agreement with the named landlords, who were tenants under there own agreement with the owner. That tenancy has legally ended, which means this automatically ends the tenancy for the subtenant. Further, as any future application would be barred from being heard as it would be past the effective date within the notices to end tenancy, I find I must dismiss the tenant’s application to cancel the Notice and the Two Month Notice without leave to reapply.

However, I grant the tenant leave to reapply for the return of their security deposit.

Conclusion

The tenant’s application to cancel the Notice and the Two Month Notice is dismissed. The tenant is granted leave to reapply for the return of the security deposit.

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 08, 2022

Residential Tenancy Branch