



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute codes      LRE, CNL, OLC, FFT

### Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- cancellation of the landlord's Two Month Notice to End Tenancy for Landlord's Use of Property (the "Two Month Notice") pursuant to section 49;
- authorization to change the locks and/or to suspend or set conditions on the landlord's right to enter the rental unit pursuant to section 70;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62;
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The respondent did not attend this hearing.

### Issues

Should the landlord's Two Month Notice be cancelled? If not, is the landlord entitled to an order of possession?

Is the tenant entitled to recover the filing fee for this application from the landlord?

### Background and Evidence

The respondent served the tenant with the Two Month Notice on April 26, 2022.

The tenant submitted evidence that the respondent is neither the landlord as per the tenancy agreement, an agent for the landlord or an owner of the property. The tenant submitted text message correspondence with the owner of the property in which the

owner confirms that the respondent is not the landlord or a co-owner of the property and as such had no legal right to issue any notice to the tenant. The owner advised the tenant that she did not need to dispute the notice.

### Analysis

The respondent did not participate in the hearing. I accept the tenant's uncontested testimony and evidence and find the respondent is not the legal landlord. Accordingly, the Two Month Notice issued by the respondent to the tenant dated April 25, 2022, was never a valid notice. The tenant was not required to file an application and incur fees to dispute the notice, but I understand why she may have felt the need to do so. As the respondent is not the legal landlord, I have no jurisdiction to award costs under the Residential Tenancy Act. The tenant may pursue legal action against the respondent to recover her costs through a civil claim.

### Conclusion

The tenant's application is dismissed in its entirety without leave to reapply due to lack of jurisdiction.

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: September 09, 2022

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Residential Tenancy Branch