



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPT, FFT

Introduction

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

- an Order of Possession for pursuant to section 54; and
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The landlord did not attend this hearing, although I waited until 9:40 a.m. in order to enable them to connect with this teleconference hearing scheduled for 9:30 a.m. The tenants attended the hearing and were given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses. At the outset of the hearing the tenants advised that the landlord rented out the subject unit to other tenants and that they are not able to get back in.

Based on the information provided by the tenants, third party rights must be considered. The Act does not have a provision to allow me to remove one tenant to replace them with another tenant. This was explained to the tenants in great detail and general information was provided in terms of options available to the tenants. The tenants indicated that they understood. Based on the above, and I hereby dismiss the tenant's application in its entirety without leave to reapply.

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 11, 2022

Residential Tenancy Branch