



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNR, MNDCT, LRE, RPP, OLC**

Introduction

This hearing dealt with an application filed pursuant the *Residential Tenancy Act* (the “Act”) for:

- An order to cancel a 10 Day Notice to End Tenancy for Unpaid Rent/Utilities pursuant to sections 46 and 55;
- A monetary order for damages or compensation pursuant section 67;
- An order suspending the landlord’s right to enter the rental unit pursuant to section 70;
- An order for the return of personal property pursuant to section 65; and
- An order for the landlord to comply with the Act, regulations or tenancy agreement pursuant to section 62.

The applicant did not attend the hearing. The respondent attended the hearing and testified that she was not served with the Notice of Dispute Resolution Proceedings. She had filed a previous application seeking an Order of Possession against the original tenant named on the tenancy agreement and was granted an Order of Possession. The file number for the previous file is recorded on the cover page of this decision. The arbitrator in the previous application determined that the applicant in today’s proceeding is not a tenant under the Act.

The landlord testified she regained possession of the rental unit on August 31, 2022, after the occupant vacated the rental unit. The original tenant had moved out months before.

Analysis

Based on the undisputed evidence before me, I find the person who brought on this application is not a tenant but an occupant who has no right under the Act to bring on this application. Further, I find that the tenancy ended on August 31, 2022, pursuant to section 44(1)(f).

Consequently, pursuant to section 62(4)(c) of the Act the within application is dismissed without leave to reapply as the application is frivolous or an abuse of the dispute resolution process.

Conclusion

This application is dismissed 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: November 07, 2022

Residential Tenancy Branch