



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNR-MT

Introduction

This hearing convened as a result of a “Tenant’s Application for Dispute Resolution”, filed on January 12, 2023, wherein the Applicant sought to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities issued on December 15, 2022 (the “Notice”) as well as more time to make such an application.

The hearing was scheduled for teleconference at 11:00 a.m. on May 8, 2023. The Applicant’s representatives, D.S. and A.R. called into the hearing as did representatives for the Landlord, A.P. and K.P.

At the outset of the hearing the parties confirmed that the Applicant was the daughter of A.H., the Tenant named on the Notice and the residential tenancy agreement. The parties further confirmed that A.H. passed away on November 15, 2022, a month before the Notice was issued. **I find the Notice to be invalid as the Landlord did not indicate the Tenant was deceased, and did not name and serve the Tenant’s personal representative.**

The parties confirmed that the Applicant continues to live in the rental unit and has paid rent to the Landlord since her mother’s passing. At the time of the hearing there was no rent outstanding. The Landlord’s representative, K.P., further confirmed they have received rent from the Applicant and have not issued receipts for use and occupancy only.

On this basis it appears as though the Applicant/Tenant’s daughter, L.H. and the Landlord have entered into a new tenancy since the Tenant’s passing. The Notice

before me does not relate to this tenancy but to the Applicant's mother's tenancy with the Landlord.

The Landlord's representative, A.P. confirmed that they have also issued a 10 Day Notice to the Applicant and that a hearing is scheduled for June 12, 2023. Whether a tenancy exists between the Landlord and L.H., and the validity of that notice to end tenancy, will be determined at the June 12, 2023 hearing.

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: May 08, 2023

Residential Tenancy Branch