



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

**Dispute Codes**      CNE

### **Introduction**

This Hearing dealt with the Tenant's application to cancel a One Month Notice to End Tenancy for End of Employment issued June 1, 2012 (the "Notice").

The Landlord EA and the Tenant gave affirmed testimony at the Hearing.

### **Issue(s)**

Does a Strata Corporation have authority under the Residential Tenancy Act to issue a Notice to End tenancy?

### **Background and Evidence**

The Notice was issued by the Strata Corporation. The Tenant provided a copy of the Notice and a copy of the tenancy agreement in evidence. He submits that the Strata Corporation is not his Landlord.

The Landlord EA testified that she is the Tenant's Landlord; that the Strata Corporation does not act as her agent; and that she does not support the Notice.

### **Analysis**

Section 44(1) of the Act states:

#### **How a tenancy ends**

**44** (1) A tenancy ends only if one or more of the following applies:

(a) the tenant or **landlord** gives notice to end the tenancy in accordance with one of the following:

- (i) section 45 [*tenant's notice*];
- (ii) section 46 [*landlord's notice: non-payment of rent*];
- (iii) section 47 [*landlord's notice: cause*];

- (iv) section 48 [*landlord's notice: end of employment*];
  - (v) section 49 [*landlord's notice: landlord's use of property*];
  - (vi) section 49.1 [*landlord's notice: tenant ceases to qualify*];
  - (vii) section 50 [*tenant may end tenancy early*];
- (emphasis added)

Section 1 of the Residential Tenancy Act defines a “landlord” as follows:

- a) **The owner of the rental unit, the owner’s agent or another person who on behalf of the landlord** permits occupation of the rental unit under a tenancy agreement or exercises powers and performs duties under this Act, the tenancy agreement or a service agreement;
- b) The heirs, assigns, personal representatives and successors in title to a person referred to in paragraph (a); or
- c) A person, other than a tenant occupying the rental unit, who is entitled to possession of the rental unit and exercises any of the rights of a landlord under a tenancy agreement or **this** Act in relation to the rental unit.

(emphasis added)

The tenancy agreement provided in evidence indicates that the Landlord EA is the Tenant’s landlord. The Landlord EA testified that she is the Tenant’s landlord and the Strata Corporation did not issue the Notice as her agent.

I find that the Strata Corporation had no authority to issue a Section 48 Notice to End Tenancy under the Residential Tenancy Act and that the Notice is not a valid notice to end tenancy.

The Tenant did not provide sufficient evidence that the Strata Corporation was served with a copy of his Application for Dispute Resolution or a Notice of Dispute Resolution Hearing, however I proceeded in the Strata Corporation’s absence because Section 58 of the Act provides that dispute resolution proceedings relate to disputes between landlords and tenants only, and the Strata Corporation is not the Tenant’s landlord as defined by the Act.

### **Conclusion**

The Tenant’s application is granted. The Notice to End Tenancy issued June 1, 2012,

by the Strata Corporation is not a valid notice to end the tenancy. The tenancy will remain in full force and effect until it is ended in accordance with the provisions of the Act.

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: June 21, 2012.

---

Residential Tenancy Branch