



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

A hearing has been scheduled for June 27, 2011 in response to an application by a Strata Corporation (the “Applicant”) for an Order to end a tenancy early and to obtain an Order of Possession pursuant to section 56 of the *Residential Tenancy Act* (the “Act”).

The Applicant has requested a summary and expedited determination of jurisdiction. Section 10.3 of the Residential Tenancy Branch Rules of Procedure provides that upon request, the Dispute Resolution Officer must consider any preliminary matter including questions of jurisdiction. As no factual matter other than the information provided by the Applicant would bear upon this determination, I find that I may make a decision on the preliminary matter of jurisdiction without holding a hearing.

Issue(s) to be Decided

Does the Act confer jurisdiction over the dispute between the Parties?

Background and Evidence

The following information is set out in the materials provided by the Applicant: The dispute concerns a request by the Applicant to end a tenancy early. The Applicant is a strata corporation. The Respondent is a Tenant living in a unit within the Strata property. The Applicant does not have a tenancy agreement with the Respondent. The Respondent is a Tenant of a landlord who is not a party to this dispute. The Applicant is not acting on behalf of the landlord in making the application for dispute resolution.

Analysis

Section 6 of the Act sets out that the rights, obligations and prohibitions established under the Act are enforceable between a landlord and tenant under a tenancy agreement. Section 56(1) of the Act provides a right to a landlord to make an application to end a tenancy early in certain circumstances. The Act does not confer this right on any other party. Section 1 of the Act defines a landlord as follows:

"landlord", in relation to a rental unit, includes any of the following:

- (a) the owner of the rental unit, the owner's agent or another person who, on behalf of the landlord,
 - (i) permits occupation of the rental unit under a tenancy agreement, or
 - (ii) 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);
- (c) a person, other than a tenant occupying the rental unit, who
 - (i) is entitled to possession of the rental unit, and
 - (ii) exercises any of the rights of a landlord under a tenancy agreement or this Act in relation to the rental unit;
- (d) a former landlord, when the context requires this;

As the Applicant is not the owner of the unit or an agent of the owner, and is not a party to a tenancy agreement with the Respondent, I find that the Applicant is not a Landlord within the meaning of the Act. Further, as the Applicant is not a Landlord, I find that the Applicant has no right to make an application under the Act to end a tenancy early. Finally, as the Applicant is not a Landlord and is not a party to a tenancy agreement with the Respondent within the meaning of the Act, I find that there is no jurisdiction to determine or enforce any rights, obligations or prohibitions as between the Parties and no decision can be made in relation to the application to end the tenancy early. Accordingly, I dismiss the application.

Conclusion

The application is dismissed for 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: June 24, 2011.

Residential Tenancy Branch