



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, MT, FF

Introduction

This hearing dealt with an application by the tenant to cancel a notice to end tenancy for unpaid rent, allow the tenant more time to make an application and recovery of the filing fee. Both parties participated in the conference call hearing.

Preliminary Issue

Before considering the merits of this Application for Dispute Resolution I must determine whether I have jurisdiction in this matter.

Summary of Background and Evidence

The applicant entered into a 'living arrangement' with the son of the deceased in August 2010 and took up occupancy of the property in September 2010. Evidence submitted by the trust shows that the son and the applicant were both advised in August 2010 that the son did not have the legal authority to enter into a tenancy agreement with the applicant and the applicant was not to occupy the premises. The applicant disputed that he was ever told that the son did not have legal authority to enter into an agreement with him.

During the time the applicants occupied the property no rent was paid resulting in the trust sending the applicants two, 10 Day Notices for Unpaid Rent in May 2010. The applicant then sent the trust a cheque for \$1350.00 which the trust has held and not cashed.

Analysis

Residential Tenancy Policy Guideline 27 speaks to **Jurisdiction**:

B. STATUTORY JURISDICTION

The Legislation does not confer upon the RTB the authority to hear all disputes regarding every type of relationship between two or more parties. The RTB only has the jurisdiction conferred by the Legislation over landlords, tenants and strata corporations.

As the son had no legal authority to exercise the rights of a landlord and enter into a tenancy agreement with the applicant and the trust has not entered into a relationship of landlord/tenant with the applicant or accepted any rent for the property, there is in fact no tenancy in place.

With no tenancy in place this matter does not fall under the *Act* and the application is therefore dismissed in its entirety.

Conclusion

I hereby dismiss this application for dispute resolution, as this claim does not fall under the *Act*. The applicant has the option of pursuing his claim through the Supreme Court of British Columbia.

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 17, 2011.

Residential Tenancy Branch