



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

This hearing dealt with an Application for Dispute Resolution made by the Tenant for an early end to the tenancy pursuant to section 56 of the Act. Both parties appeared and submitted evidence.

In the Tenant's Application, he refers to the Occupant as, "... my roommate...".

At the outset of the hearing I enquired if the Tenant was the owner of the property and he replied he was not. I also enquired if the Tenant and the Occupant had entered into an agreement with the owner of the property, the Landlord. The parties agreed they had not.

There is no tenancy agreement between the Occupant and the Landlord, where she may be considered as a tenant in common, where each party has their own tenancy agreement with the landlord. The Occupant is also not a co-tenant because she was not the person who initially entered into the tenancy agreement with the landlord.

Therefore, I find the Occupant is not a tenant under the Act, and the Tenant is not a Landlord or an Agent for the Landlord under the Act.

In the circumstances before me, I find the Act has no jurisdiction in this dispute.

The parties were advised to seek legal advice on the proper forum for their dispute.

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: July 22, 2011.
