



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OPR, OPC, OPB, MND, MNR, MNSD, MNDC, FF

Introduction

This hearing dealt with an application by the tenant for an order setting aside a notice to end this tenancy and a cross-application by the landlords for an order of possession and a monetary order. Both parties participated in the conference call hearing.

Issue to be Decided

Is the tenant in a contractual relationship with the landlord?

Background and Evidence

The facts are not in dispute. The landlords have a tenancy agreement with L.H., who invited the tenant to live with her as a roommate. The tenant has never at any time paid rent to the landlord and although the parties had discussions at some point about entering into a tenancy agreement, the landlords and the tenant had not done so at the time of the hearing. L.H. is no longer living in the rental unit.

Analysis

It is clear that the landlords have a contractual relationship with L.H. The tenant, however, is not in a contractual relationship with the landlords. I find that the tenant is an occupant under the Act and has no standing to bring a claim against the landlords. Likewise, the landlords cannot make a claim directly against the tenant as his right to occupation arises under the tenancy of L.H.

Conclusion

The claims are dismissed as neither party has standing to bring a claim against the other.

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: August 08, 2011

Residential Tenancy Branch