



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNR, OPR, MNDC

Introduction

A substantial amount of documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

This decision deals with two applications for dispute resolution, one brought by the tenant and one brought by the landlord. Both files were heard together.

The landlord's application is a request for an Order of Possession based on a Notice to End Tenancy for non-payment of rent, and a request for a monetary order for \$2500.00. The landlord is also requesting recovery of the \$50.00 filing fee.

The tenant's application is a request for a monetary order for \$963.00.

Decision and reasons

No hearing was held because I have determined that the Residential Tenancy Act has no jurisdiction in this matter.

Both of the parties testified that J.R. never signed a tenancy agreement with D.W.T., and that it was J.R.'s roommate that signed the tenancy agreement.

Therefore it is my finding that it was J.R.'s roommate who was the tenant in this case, and J.R., is simply a roommate of the tenant.

A landlord cannot file a claim against a roommate of a tenant; the claim must be filed against the actual tenant.

A roommate of a tenant cannot file a claim against the landlord; it must be the actual tenant who files the claim.

Therefore since no tenancy exists between these parties, the Residential Tenancy Act has no jurisdiction over a dispute between these parties and they will have to look to some other jurisdiction to resolve their disputes.

Conclusion

I declined jurisdiction over both these applications.

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: December 08, 2011.

Residential Tenancy Branch