



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNDC, MNR, OPB, FF

This hearing dealt with an Application for Dispute Resolution made by the Tenant for an order of possession based on a breach of a material term of a tenancy agreement, for a monetary order for unpaid rent, for money owed or compensation under the Act or tenancy agreement, and to recover the filing fee for the Application. I note in the Application the Tenant refers to herself as the landlord.

At the outset of the hearing I enquired if the Tenant was the owner of the property and she replied she 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 Tenant testified she had not, and although she had permission from the property owner, the Landlord, to rent out rooms in the rental unit, she is not an Agent for the Landlord.

The Tenant and the Occupant are roommates. There is no tenancy agreement between the Occupant and the Landlord where he might be considered as a tenant in common, where each roommate has their own tenancy agreement with the Landlord. The Occupant is also not a co-tenant because he was not the person who initially entered into the tenancy agreement with the Landlord.

The Tenant occupies the rental unit and this precludes her from being the Landlord as defined under the definition of "landlord" in the Act.

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 these circumstances, I find the Act has no jurisdiction in this dispute. The Act does not apply to every rental relationship, only those which are defined under the Act.

Therefore, I dismiss the Application of the Tenant.

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

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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 05, 2012.

Residential Tenancy Branch