



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OLC, LRE, OPT, LAT

Introduction

This hearing was scheduled in response to the tenant's Application for Dispute Resolution, in which the tenant landlord has made application requesting an Order the landlord comply with the Act and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained, evidence was reviewed and the parties were provided with an opportunity to ask questions about the hearing process. They were provided with the opportunity to submit documentary evidence prior to this hearing, to present affirmed oral testimony and to make submissions during the hearing.

Jurisdiction

The parties all confirmed the following facts: Joe Jr. owns the home; the applicant is Joe's brother; and he parents live in the home and pay rent to Joe Jr.

Harry testified that he paid rent to his parents, for use of a basement suite. Harry's father testified that he had been given some money toward food, but not rent.

Joe Jr. said that he had refused to allow his brother to live in the home and that his parents had permitted Harry to stay for a short period of time. Joe Jr. did not approve of a tenancy for Harry, did not want him in the home, did not accept rent and asked his brother to leave the home. This was confirmed by his father, Joe Sr.

Residential Tenancy Branch policy defines an occupant as:

Where a tenant allows a person who is not a tenant to move into the premises and share the rent, the new occupant has no rights or obligations under the tenancy agreement, unless all parties agree to enter into a tenancy agreement to include the new occupant as a tenant.

I determined that Harry was allowed to stay in the home, by his parents, who were not acting as agents for Joe Jr., the home owner. As the owner of the home did not sign a

tenancy agreement with Harry and did not ask his parents to act as his agent, I find that Harry was an occupant.

Therefore, as Harry does not meet the definition of a tenant, I decline jurisdiction.

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 20, 2012.

Residential Tenancy Branch