



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPL, FF

### Introduction

This hearing was convened by way of conference call concerning an application made by the landlords for an Order of Possession for landlord's use of property and to recover the filing fee from the tenants for the cost of the application.

All named parties attended the hearing.

During the course of the hearing I was referred to a document provided in evidence by the persons named as landlords. The persons named as tenants in this matter claim that the landlords are not landlords, the tenants are not tenants, and the document is not a tenancy agreement, and therefore, the Residential Tenancy Branch has no jurisdiction to decide the issues.

I have reviewed the document, and no where does it mention the payment of rent or the *Residential Tenancy Act*, nor does it refer to the parties as landlords or tenants. I further find that it contains terms that are not consistent with the *Act*, such as it states that the "Landlords" have the right to enter on the property at any given time. It speaks to the payment of a mortgage and credit line.

I find that the parties have entered into an agreement that is not consistent with a tenancy between a landlord and a tenant. I find that the *Residential Tenancy Act* does not apply, and I decline jurisdiction.

Conclusion

For the reasons set out above, I decline jurisdiction with respect to this application, and the landlords' application is hereby dismissed.

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: March 19, 2014

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Residential Tenancy Branch

