



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNR, FF

Introduction

No hearing was held today as the respondent, named on the application, stated that she was never a tenant at the rental unit but was the mother of one of the tenants. The landlord has named this respondent in error as this respondent is not named on the tenancy agreement and has no responsibility under the *Residential Tenancy Act (Act)* for this tenancy.

The landlord's agent states that this respondent named is the guardian of the male tenant and as the tenants are 18 years old then this person is responsible. I refer the parties to s. 3 of the Act which states:

Act applies to tenancy agreement with a minor

3 *A person who has not reached 19 years of age may enter into a tenancy agreement or a service agreement, and the agreement and this Act and the regulations are enforceable by and against the person despite section 19 of the [Infants Act](#).*

I find therefore that the landlord has not named the tenants on this application and as the person named on the application is not a tenant this person has no obligations under the *Act*.

Conclusion

The landlord's application is dismissed. The landlord is at liberty to file a new application naming the correct tenants as indicated on the tenancy agreement.

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: April 11, 2014

Residential Tenancy Branch

