



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDC, MNSD, RPP

### Introduction

This hearing is an adjournment of a review hearing dealing with an Application for Dispute Resolution by the Tenant seeking a monetary order and an Order for the return of personal property. The original hearing was January 7, 2014, the review consideration application was February 7, 2014, the review hearing was April 14, 2014. The Landlord did not attend the review hearing as he was in the hospital therefore; the review hearing was adjourned to June 9, 2014 at 11:00 a.m.

The original hearing was conducted via teleconference on January 7, 2014 and was attended by the applicant only. In the hearing of January 7, 2014 the Tenant was granted a monetary order for \$1,068.00.

The hearing on April 14, 2014 was a result of an application for a Review Hearing submitted by the Landlord dated February 7, 2014. The review consideration found in favour of the Landlord's request that the Tenant had received the previous decision and Order dated January 7, 2014 by fraud. The Landlord was successful and a review hearing was scheduled for April 14, 2014.

The Landlord did not attend the hearing on April 14, 2014, but did send in two letters, one saying that this is not a situation in the Residential Tenancy Branch's jurisdiction because it is a room rental with shared kitchen and bathroom with the owner of the property. The second letter indicated the Landlord is recovering from surgery in the hospital and would not attend the hearing due to health reasons. The Tenant said the Residential Tenancy Branch does have jurisdiction because the rental complex is owned by a numbered company not by the Landlord.

The adjourned hearing was heard June 9, 2014 at 11:00 a.m.

Issue(s) to be Decided

1. Does the Residential Tenancy Branch have jurisdiction in this situation?

Background and Evidence

At the outset of the hearing the applicant indicated that the rental agreement was that he would be renting a room in the residential property managed by the Landlord and he would be sharing the kitchen and bath with the Landlord. The Tenant said the Landlord does not own the rental unit therefore this is a situation the Residential Tenancy Branch does have jurisdiction over. The Tenant provided a copy of a Land Title that shows the owner of a property to be a numbered company with a different address to the Landlord. The Tenant said he went to City Hall to obtain the legal description and PIN # for the rental unit and then he obtained a title search of the rental unit from the land titles office. The Land Title shows the owner of the property to be a numbered company with a different address to the Landlord.

Consequently the Tenant said the Landlord is not the owner of the property and so the decision and monetary Order he received on January 7, 2014 should stand in full effect because this is not a shared accommodation situation.

Analysis

I accept the Tenant's testimony and evidence that the rental complex is owned by a numbered company and the Landlord's name is not on the land title. Companies whether number or named are legal entities and have the ability to own property. Consequently I find the Landlord is not the owner of the property and therefore section 4 of the Act, which defines jurisdiction on shared accommodation does not apply in this situation. Whether the Landlord owns the company or not it is not material as the owner of the property is the legal entity named on the land title which is the numbered company. I find this situation is a tenancy not shared accommodation and this tenancy is in the jurisdiction of the Residential Tenancy Branch.

I find for the Tenant and I re-instate the original decision and monetary order for \$1,068.00 both dated January 7, 2014.

Conclusion

I order the decision and monetary order for \$1,068.00 both dated January 7, 2014 are re-instated and are in full effect.

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: June 09, 2014

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Residential Tenancy Branch

