



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes LANDLORD: MND, MNR, MNSD
TENANT: MNDC, MNSD

Introduction

This hearing dealt with cross applications for Dispute Resolution filed by both the Landlord and the Tenant.

The Landlord filed seeking a monetary order for compensation for damage to the unit site or property, for unpaid rent and to retain the Tenant's security deposit.

The Tenant filed seeking a monetary order for compensation for damage or loss under the Act, the regulations or the tenancy agreement and for the return of the Tenant's security deposit.

Service of the hearing documents by the Landlord to the Tenant were done by personal delivery on February 6, 2015, in accordance with section 89 of the Act.

The Tenant did not attend the hearing. Consequently the Tenant's application is dismissed without leave to reapply.

At the start of the hearing it was discovered that the Tenant J.T. had not signed the tenancy agreement therefore J.T. was not a tenant but an occupant. The tenancy agreement is a binding contract on the persons named and signed to it. As occupants do not sign the tenancy agreement there is no contract between occupants and landlords. The Landlord and an Occupant do not have a binding contract between them therefore the Residential Tenancy Act does not have jurisdiction in this situation.

The parties are at leave to explore other methods and venues to resolve their disputes.

Further the Landlord is at leave to make a new application naming the tenant L.N. signed on the tenancy agreement to recover any financial claims that the Landlord wishes to have dispute resolution on.

Given that the Occupant J.T. did not appear and the Landlord's application did not name the tenant in the tenancy agreement; I dismiss both applications. I dismiss the Occupant's application without leave to reapply and the Landlord's application with leave to reapply.

Conclusion

The Tenant/ Occupant's application is dismissed without leave to reapply.

The Landlord's application is dismissed with leave to reapply.

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 21, 2015

Residential Tenancy Branch

