



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, FF, O

Introduction

This matter dealt with an application by the Tenant for loss or damage under the Act, regulations or tenancy agreement, to recover the filing fee for this proceeding and for other considerations.

The Applicant said he served the Respondent with the Application and Notice of Hearing (the “hearing package”) by registered mail on November 17, 2015. Based on the evidence of the Applicant, I find that the Respondent was served with the Applicant’s hearing package as required by s. 89 of the Act and the hearing proceeded with both parties in attendance.

At the start of the conference call it was determined that the Applicant was not a tenant, but an occupant of the rental unit, because the applicant had no agreement with the Landlord and the Applicant had been subletting from the Tenant on the tenancy agreement (M.P.) The tenancy agreement was with M.P. and J.L. Consequently as there is no tenancy contract between the Applicant and the Respondent I do not have jurisdiction to make a finding in this matter. The applicant may want to seek legal advice to determine how to proceed with his claims.

In the absence of evidence to show there is a tenancy between the Applicant and Respondent the Residential Tenancy Branch does not have jurisdiction in this situation. I dismiss the application as I find no authority to decide this matter under the *Residential Tenancy Act*.

During the course of the hearing, the parties reached an agreement to settle these matters, on the following conditions:

1. the Respondent agreed to pay the Applicant \$383.25 as a good will gesture even though the Respondent understood there was no tenancy agreement between the parties.
2. the Tenant accepted the payment of \$383.25 as full settlement of his claims.

Under section 63 (1) the director can assist parties or offer parties an opportunity to settle their dispute. Pursuant to section 63 of the Act the Applicant and the Respondent agreed to the above arrangement.

As no further action is required on this file, the file is closed.

Conclusion

Respondent will pay the Applicant \$383.25.

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 01, 2015

Residential Tenancy Branch

