



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, MNSD

This matter dealt with an application by the Tenant for loss or damage under the Act, regulations or tenancy agreement and to recover the security and pet deposits.

The Applicant said she served the Respondent with the Application and Notice of Hearing (the "hearing package") by registered mail on April 27, 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.

During the conference call it was determined that the Applicant was not a tenant, but an occupant of the rental unit, because the applicant was not named on the tenancy agreement, the applicant did not sign the tenancy agreement nor did the applicant's name appear in the tenancy agreement. The applicant said she was living at the unit in September, 2014 when the tenancy agreement was completed and signed but she was not part of the tenancy agreement. Therefore, I find the applicant is an occupant and under policy guideline 13 of the Residential Tenancy Branch, occupants have no rights granted under the tenancy agreement. Consequently as there is no tenancy contract between the Applicant and the Landlord; 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 her 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*.

Conclusion

The application is dismissed for lack of jurisdiction

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 10, 2015

Residential Tenancy Branch

