



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Island Explorer Property Management  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNDC, OPT, FF

### Introduction

This hearing dealt with an application by the tenants for a monetary order and an order of possession. All parties participated in the conference call hearing.

### Issue to be Decided

Does this tenancy fall within the jurisdiction of the *Residential Tenancy Act*?

### Background and Evidence

The facts are not in dispute. The rental unit is a home rented by PP who sublet a room to the tenants and allowed them to use common areas. PP continued to live in the rental unit throughout the tenancy in question.

### Analysis

Section 1 of the Act defines a “landlord” as an owner, their heirs and:

- (c) a person, other than a tenant occupying the rental unit, who
  - (i) is entitled to possession of the rental unit, and
  - (ii) exercises any of the rights of a landlord under a tenancy agreement or this Act in relation to the rental unit;

I find that because PP occupied the rental unit, he cannot be characterized as a landlord and as he is the only party who had privity of contract with the tenants, I find that this tenancy does not fall within the jurisdiction of this Act. I therefore decline jurisdiction.

Conclusion

Jurisdiction is declined.

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: August 12, 2015

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Residential Tenancy Branch

