



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNDC

### Introduction

This hearing dealt with the tenant's Application for Dispute Resolution seeking a monetary order.

The hearing was conducted via teleconference and was attended by the tenant.

The tenant provided documentary evidence to confirm the landlord was served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* by registered mail on April 1, 2015 in accordance with Section 89. Section 90 of the *Act* deems documents served in such a manner to be received on the 5<sup>th</sup> day after they have been mailed.

Based on the testimony and evidence of the tenant, I find that the landlord has been sufficiently served with the documents pursuant to the *Act*.

At the outset of the hearing the tenant confirmed that his landlord rented the rental unit from the owner of the property and she lived in the rental unit as well.

Section 1 of the *Act* defines "landlord", in relation to a rental unit, including any of the following:

- (a) The owner of the rental unit, the owner's agent or another person who, on behalf of the landlord,
  - (i) Permits occupation of the rental unit under a tenancy agreement, or
  - (ii) Exercises powers and performs duties under this Act, the tenancy agreement or a service agreement;
- (b) The heirs, assigns, personal representatives and successors in title to a person referred to in paragraph (a);
- (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;
- (d) A former landlord, when the context requires this.

Based on the above, I find that the tenant's landlord in this case is not a landlord as defined by the *Act*. As such, I find I do not have jurisdiction to hear matters related to this tenancy.

Issue(s) to be Decided

The issues to be decided are whether the tenant is entitled to a monetary order for the return of rent pursuant to Sections 67, and 72 of the *Act*.

Conclusion

As per the above, I decline to accept jurisdiction in these matters. I note the tenant may wish to pursue this through a court of competent 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: September 03, 2015

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Residential Tenancy Branch

