



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding KING DAY HOLDINGS
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ERP, MNDC, RP, RR, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the Applicant filed under the Residential Tenancy Act, (the “Act”), for a monetary order for money owed or compensation for damage or loss under the Act, to make emergency repairs for health and safety reasons, to make repair to the unit, to allow a tenant to reduce rent for repairs and to recover the filing fee from the respondent.

Both parties appeared, gave affirmed testimony and were provided the opportunity to make relevant submissions, in writing and orally pursuant to the Rules of Procedure, and to respond to the submissions of the other party.

Preliminary issue

The first issue that I must decide is whether the Act has jurisdiction over this matter in order to proceed with the application.

The respondent stated that the applicant is not a tenant under the tenancy agreement and is simply an occupant.

The applicant stated they were added to some type of document when they moved in with the other tenant.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

In this case, I have reviewed the tenancy agreement; the applicant is not listed on the agreement as a tenant. The agreement indicates the applicant is an adult person other than the tenant to occupy the rental unit.

Section 13 of the Residential Tenancy Policy Guidelines states:

Where a tenant allows a person who is not a tenant to move into the premises and share rent, the new occupant has no rights or obligations under the tenancy agreement, unless all parties agree to enter into a tenancy agreement to include the new occupant as a tenant.

In this case, the applicant was added to the tenancy agreement as an occupant, not a tenant. I find the applicant is not a tenant as defined under the guideline and has no rights or obligations under the Act. I find that there is no jurisdiction for the applicants to proceed with their application and I dismiss the application without leave to reapply.

Conclusion

The applicant's 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: March 22, 2016

Residential Tenancy Branch