



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, MNDC, MNSD, OLC, PSF, FF

The Applicant appeared and stated that the Respondent was served in person with the application and notice of hearing on June 22, 2017.

The Applicant stated that she is no longer in the unit. The Applicant stated that she paid rent to the Respondent who is renting the unit from the owner. The Applicant stated that she is not included as a tenant on the tenancy agreement between the Respondent and the owner.

Section 6 of the Act sets out that the rights, obligations and prohibitions established under the Act are enforceable between a landlord and tenant under a tenancy agreement. Section 1 of the Act defines a landlord as follows:

**"landlord"**, in relation to a rental unit, includes 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;

As the Respondent is a tenant whose landlord is the owner and as the Applicant is not a party to the tenancy agreement between the owner and the Respondent, I find that there is no landlord and tenant relationship between the Parties who may be otherwise be considered roommates. As such I find that the Act does not apply to the dispute and I dismiss the application on that basis.

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 22, 2017

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Residential Tenancy Branch