



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, CNC

Introduction

This hearing dealt with an Application for Dispute Resolution by the Applicant to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities and to cancel a One Month Notice to End Tenancy for Cause.

Both parties appeared, gave testimony, and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions at the hearing

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 Applicant F-M stated that they are not a tenant. The Applicant stated that the person that issued the above notices is their wife of 24 years and they separated in February 2017. The tenant submits that this is a matrimony issue.

The article student submits for the Respondent C-M that the parties agreed when they separated that they would split the site rent and the utilities for the Manufactured Home would be paid by F-M as he would be remaining in the family home. The article student submits that the Applicant has failed to honour their agreement, as they have not paid their full portion of the pad rent or the utilities.

Analysis

The parties were married for 24 years and separated in February 2017. As part of their separation the parties verbally agreed that they would split the cost of the site rent that was payable to their landlord as they were co-tenants under their tenancy agreement. The Applicant would remain living in the manufacture home and pay for the all the utilities.

In this case, I find that this is not an issue for me to determine. This is not a dispute between the tenants and the landlord of the manufactured home site. Rather this is a matrimonial issue that one party may have not honoured. Therefore, I decline to hear the matter due to lack of jurisdiction.

Conclusion

The Applicants' 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: January 04, 2018

Residential Tenancy Branch