



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, MNDC

Introduction

This hearing dealt with an Application for Dispute Resolution filed by the Applicant to cancel a Two Month Notice to End Tenancy for Landlord's Use of Property, to have the landlord make emergency repairs and repairs, for a monetary order for money owed or compensation under the Act.

Both parties appeared.

Preliminary matter

The first issue that I must determine is whether the Act has jurisdiction over this matter.

Counsel for the landlord stated that the person that has made the application is not the tenant. Counsel submits that this is the tenant's mother and they had no agreement with her. Counsel submits that the applicant's son rented a room while they were attending school.

Counsel submits that the tenant had the police attend the premises and at his request had his mother removed from the property. Counsel submits that the tenant that rented the room signed a mutual agreement to end the tenancy and has vacated the property.

The applicant stated they are a tenant. The applicant stated that they brought food to their son, which he took; however, he called the police and had her removed. The applicant stated that they have not spoken to their son since and assumes he is living on the street since the landlord kicked him out.

In this case, I accept the submission of counsel that the applicant is not a tenant. I have reviewed the applicant's evidence and all the correspondence, including rent receipts were between her son and the landlord.

Further, this premise was clearly rent as a "homestay" as the room rent contained a small desk and a single occupancy bed. While the tenant's mother may have stayed there from time to time; that did not make her a tenant and it was clear that she became an unwelcome guest, when her son had her removed from the premises by the police.

Base on the above, I find the applicant is not a tenant. Therefore, I decline to hear the matter due to lack of jurisdiction.

Conclusion

The applicant's application is dismissed without leave to reapply.

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 15, 2018

Residential Tenancy Branch