



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR

Introduction

This matter dealt with an application by the Landlord to end the tenancy and for an Order of Possession.

The Landlord's original application was made through the Direct Request process which is an Ex Parte proceeding. Because of inconsistencies in the Direct Request application the Landlord's application was scheduled for a participatory hearing on today's date.

The Applicant said he served the Respondent with the Application and Notice of Hearing (the "hearing package") by registered mail on April 4, 2018. Based on the evidence of the Applicant, I find that the Respondent was served with the Applicant's hearing package as required by s. 89 of the Act and the hearing proceeded with both parties in attendance.

At the start of the conference call it was determined that the Respondent was not a tenant, but an occupant of the rental unit. The tenancy agreement was in the name of a different person rather than the Respondent. Consequently, I find there is no contract between the Applicant and the Respondent. As there is no tenancy contract between the Applicant and the Respondent, I do not have jurisdiction to make a finding in this matter. The applicant may want to seek legal advice to determine how to proceed with his claims.

In the absence of evidence to show there is a tenancy between the Applicant and Respondent the Residential Tenancy Branch does not have jurisdiction in this situation. I dismiss the application as I find no authority to decide this matter under the *Residential Tenancy Act*.

Conclusion

The 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: April 23, 2018

Residential Tenancy Branch