



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, AAT, FF

Introduction

This matter dealt with an application by the Tenant to cancel a Notice to End Tenancy for Cause, for access to the rental unit and to recover the filing fee.

The Applicant said she served the Respondents with the Application and Notice of Hearing (the “hearing package”) by registered mail on May 10, 2018. Based on the evidence of the Applicant, I find that the Respondents were 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 this is not a tenancy. There is no tenancy agreement, there is no rent paid and no security deposit was required. The Applicant said she moved into the Respondents’ home as a companion/caregiver in 2010. The arrangement was that the Applicant would do errands and provide services around the house for the Respondent. The Applicant said this is not a tenancy. The Respondents said they understood and agreed this is not a tenancy and the Residential Tenancy Act does not have jurisdiction in this situation.

Consequently, as there is no tenancy between the Applicant and the Respondent; I do not have jurisdiction to make a finding in this matter. The Applicant and Respondents may want to seek legal advice to determine how to proceed with this situation.

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: July 3, 2018

Residential Tenancy Branch