



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing was convened in response to applications filed by the parties.

The application of GW is seeking an order as follows:

1. For an order of possession.

The application of RW is seeking an order as follows:

1. 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 and procedural matter

The first issue that I must decide is whether the Act has jurisdiction over this matter in order to proceed with the application.

The parties agreed that GW was hospitalized in December 2017. The parties agreed that RW moved into the premises in March 2018. The parties agreed that RW does not pay rent or any of the utilities for the premises. The parties agreed there was no tenancy agreement, written or verbal.

This matter is a family relationship. RW the owner's son was given permission by the owner's appointed power of attorney to reside in the home, simply to keep the insurance valid on the property; that permission may be revoked at any time.

Based on the above, I find there is no tenancy agreement between the parties. Therefore, I decline to hear the matter due to lack of jurisdiction.

Conclusion

I decline to hear the party's respective applications due to 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: October 23, 2018

Residential Tenancy Branch