



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ERP, OLC

This hearing dealt with the tenant's application (hereinafter, the "**Applicant**") pursuant to the *Residential Tenancy Act* (the "**Act**") for:

- an order to the respondent landlords to make repairs to the rental unit pursuant to section 33; and
- an order requiring the respondent landlords to comply with the Act pursuant to section 62, and make repairs to the rental property.

All parties attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

Preliminary Matter - Jurisdiction

At the outset of the hearing, the Applicant advised me that she no longer resided at the rental unit, and was only seeking that repairs be made for the benefit of the following tenant.

Section 1 of the Act defines "tenant":

"tenant" includes

- (a) the estate of a deceased tenant, and
- (b) when the context requires, a former or prospective tenant.

In the context of this application, I find that the Applicant is not a "tenant" for the purposes of the Act, as she no longer resides at the rental property, and would not benefit to any of the repairs she seeks to have made.

Accordingly, I do not have the jurisdiction to grant the relief sought by the Applicant. As such, I dismiss the Applicant's application, 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: April 23, 2019

Residential Tenancy Branch