



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      ERP

### Introduction

This hearing was convened in response to an application for dispute resolution by the Tenant for an order for emergency repairs pursuant to section 32 of the *Residential Tenancy Act* (the “Act”).

The Respondents did not attend the hearing. The Tenant was given full opportunity to be heard, to present evidence and to make submissions.

### Issue(s) to be Decided

Has the Tenant properly named the Respondent MP as a landlord?

Has the Tenant served Landlord UJ?

### Background and Evidence

The Tenant did not serve Landlord UJ who is named on the tenancy agreement. The Tenant served Respondent MP by posting the application for dispute resolution on the door of this person’s residence. Respondent MP is not a landlord named on the tenancy agreement and is not an owner of the rental unit. Respondent MP has never collected rent or carried out any rental matters on behalf of Landlord UJ. The application was in relation to power being turned off by the person named as Respondent MP. The power is currently back on.

### Analysis

Section 59(3) of the Act provides that a person who makes an application for dispute resolution must give a copy of the application to the other party within 3 days of making it, or within a different period specified by the director. As the Tenant did not serve Landlord UJ I dismiss the application for dispute resolution with leave to reapply.

Section 1 of the Act defines "**landlord**", in relation to a rental unit, as including any of the following:

- (a) the owner of the rental unit, the owner's agent or another person who, on behalf of the landlord,
  - (i) permits occupation of the rental unit under a tenancy agreement, or
  - (ii) exercises powers and performs duties under this Act, the tenancy agreement or a service agreement;
- (b) the heirs, assigns, personal representatives and successors in title to a person referred to in paragraph (a);
- (c) a person, other than a tenant occupying the rental unit, who
  - (i) is entitled to possession of the rental unit, and
  - (ii) exercises any of the rights of a landlord under a tenancy agreement or this Act in relation to the rental unit;
- (d) a former landlord, when the context requires this;

Although Respondent MP may have cut off the power to the Tenant's unit, as Respondent MP is not the owner, is not named on the tenancy agreement as the landlord and as there is no evidence that Respondent MP acted for or ever acted for Landlord UT in carrying out any duties related to the tenancy I find that Respondent MP is not a landlord within the meaning of the Act and I dismiss the application for dispute resolution against Respondent MP.

### Conclusion

The application as against Landlord UJ is dismissed with leave to reapply.

The application as against Respondent MP is dismissed.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: July 15, 2019

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Residential Tenancy Branch