



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant to cancel a One Month Notice to End Tenancy for Cause and to recover the filing fee.

Both parties appeared.

Procedural matter

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

The parties agreed to the following facts. The applicant rented the subject property.

The property is jointly owned by the respondent and BS. The respondent and BS separated in June 2019, and BS moved in to the subject property and is living with the tenant, whom is his child. The applicant confirmed that they are no longer tenants as they are living with the owner as an occupant.

Since BS is a co-owner of the premises in question, and is living in the premises with the applicant; I find I do not have jurisdiction over this matter as this relates to joint assets, which BS is living in. Therefore, I decline to hear the matter due to lack of jurisdiction.

As I have no authority under the Act, to deal with this matter, I decline to award the filing fee.

Conclusion

I decline to hear the matter 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: August 15, 2019

Residential Tenancy Branch