



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC, CNR, DRI, OLC, PSF, LRE

### Introduction

This hearing dealt with an Application for Dispute Resolution (“application”) by the applicant RT (“applicant”) seeking remedy under the *Residential Tenancy Act* (“Act”) to cancel a 1 Month Notice to End Tenancy for Cause, to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, for an order directing the respondent to comply with the *Act*, regulation or tenancy agreement, to dispute a rent increase, for an order directing the landlord to provide services or facilities agreed upon but not provided and for an order to suspend or set conditions on the landlord’s right to enter the rental unit.

The applicant and the respondent GL (“respondent”) attended the teleconference hearing. The applicant and respondent were affirmed and the hearing process was explained to the parties.

### Preliminary and Procedural Matters

The applicant and respondent confirmed their email addresses at the outset of the hearing. They also confirmed their understanding that the decision would be emailed to both the applicant and respondent.

The first issue that I must decide is whether the *Act* has jurisdiction over the applicant and the respondent in order to proceed with the application.

The respondent testified that he is a tenant who was advised in May of 2019 that the new landlord is a Limited company. For clarity, that Limited company was not named in this application. The applicant and respondent state they both reside in the home and that the respondent lives upstairs and the applicant lives in room #4 in the basement and that there are six other rooms being rented to other people other than the applicant.

The applicant and respondent confirmed that applicant and the other six people renting the seven total rooms in the basement are all paying the Limited company the monthly rent. The respondent confirmed she is a tenant renting the home and that she will be leaving soon.

### Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows. Section 1 of the *Act* states in part:

**“Landlord”**, in relation to a rental unit, includes 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 respondent under a tenancy agreement or this Act in relation to the rental unit;
- (d) a former landlord, when the context requires this;  
[Emphasis added]

There is no dispute that the respondent is a tenant who occupies a portion of the home, and that the applicant is renting a basement room and paying rent to a Limited company and not the respondent. Therefore, I find the respondent is a tenant under the *Act* and does not meet the definition of a landlord under the *Act*. I also note that the respondent has provided no evidence that they are a part of the Limited company or an agent of the Limited company.

Based on the evidence presented to me that the applicant pays rent to a Limited company, I am satisfied that the applicant is also a tenant. Therefore, as the *Act* does not apply to a tenant versus tenant dispute, I find that there is no jurisdiction for the

applicant to proceed with their application. Consequently, I dismiss this matter due to lack of jurisdiction under the *Act*.

Conclusion

The applicant's application is dismissed for lack of jurisdiction under the *Act*.

I find that this is a tenant versus tenant dispute and that the *Act* does not apply.

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: September 10, 2019

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Residential Tenancy Branch