



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC OLC PSF LRE FF

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- a monetary order for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62;
- an order to the landlord to provide services or facilities required by law pursuant to section 65;
- authorization to change the locks and/or to suspend or set conditions on the landlord's right to enter the rental unit pursuant to section 70;
- authorization to recover the filing fee for this application pursuant to section 72.

All named parties attended the hearing.

Preliminary Issue – Adding a respondent

In her submissions and at the outset of this hearing, the landlord raised an issue with respect to the tenant's son not being named as a respondent in this application. The landlord advised that her and the tenant's son were in a relationship at the time of purchasing this home in December 2017. The tenant's son is on title for the property. The tenant's son is the one who offered her a suite in the home at a rent below market rate in exchange for the tenant providing after school care for his son. The landlord and the tenant's son stopped dating in June 2019 and he has not been residing in the home since this time but remains on title for the property. Court proceedings have been initiated by the landlord with respect to a claim for exclusion and the protection of assets under family law.

The tenant does not dispute that her son remains on title for the home. The tenant was advised that legally as her son is on title he would also be considered her landlord and jointly and severally liable for any orders issued against the landlord.

The tenant advised that she did not wish to proceed with such a claim against her son and would like to withdraw this application.

The tenant is advised to first try to resolve any matters through her son. If unable to do so, and if she still wishes to proceed with any aspects of this dispute, she could reapply but also name and serve her son as a respondent in the application.

The tenant's application is withdrawn.

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 21, 2019

Residential Tenancy Branch