



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL, FFL

Introduction and Preliminary Matters

On March 8, 2021, the Applicant applied for a Dispute Resolution proceeding seeking an Order of Possession based on a Two Month Notice to End Tenancy for Landlord's Use or Property (the "Notice") pursuant to Section 49 of the *Residential Tenancy Act* (the "*Act*") and seeking to recover the filing fee pursuant to Section 72 of the *Act*.

D.B. attended the hearing as an agent for the Applicant. Neither Respondent attended the hearing at any point during the 27-minute teleconference. At the outset of the hearing, D.B. was informed that recording of the hearing was prohibited and she was reminded to refrain from doing so. All parties in attendance provided a solemn affirmation.

D.B. advised that she was not sure when the tenancy began but it was likely two-and-a-half to three years ago. She submitted that neither rent nor a security deposit was ever paid by the Respondents or collected by the Applicant. She stated that no money has ever changed hands and that no written tenancy agreement was ever signed. Furthermore, there was never any exchange of funds or services that would meet the definition of rent under the *Act*.

In my view, after hearing testimony from D.B., there is no evidence before me to indicate that a tenancy was ever created as defined by the *Act*. Consequently, I am satisfied that there is no Landlord/Tenant relationship between the parties. Therefore, the parties have no rights or obligations under the *Act*. I find that even if the parties intended upon entering into a tenancy agreement as contemplated under Section 1 of the *Act*, the *Act* would not apply to this situation. As a result, I have no jurisdiction to consider this Application and render a Decision on this matter.

Conclusion

I decline to hear this matter as I have no jurisdiction to consider this Application.

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: May 13, 2021

Residential Tenancy Branch