



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, OLC, PSF

### Introduction

The applicants had sought various relief under the *Residential Tenancy Act* (“Act”) and a dispute resolution hearing was held on June 8, 2021 at 11:00 AM.

### Preliminary Issue: Legal Status of Applicants

At the hearing, only one individual (J.H.) attended. They explained that the applicants (who had indicated in their application that they were tenants) were in fact not legal tenants and that they had some sort of a roommate relationship with the actual tenant (A.R.). Apparently, the tenant had issued a notice to end tenancy to the applicants (potentially subtenants, but not proven).

However, instead of naming the landlord tenant as the landlord, the applicants named the tenant’s landlord as the respondent. It is unclear as to whether the tenant herself is aware of this dispute. The landlord’s representative spoke on the tenant’s behalf, however. It is unlikely, though, that the tenant was aware, given that the applicants failed to serve a copy of the Notice of Dispute Resolution Proceeding on any party. Indeed, the incorrectly named landlord (that is, the tenant’s landlord) only found out about this hearing within the last week.

The representative attending hearing testified under oath that the applicants are not tenants of the landlord, and, that they have no legal status as tenants for the purposes of the Act. Given this undisputed submission, I find that neither applicant is a “tenant” as defined in section 1 of the Act, and, consequently, the legal relationship between the applicants and the tenant landlord does not fall within the jurisdiction of the Act.

Conclusion

In the absence of any testimony or submissions provided by the non-attending applicants, and taking into consideration the testimony and oral submission of the respondent's representative who attended the hearing (which ended at 11:10 AM), I find (1) that I am without jurisdiction to make any findings in this case, except (2) that the applicants are not tenants for the purposes of the Act.

Given the above, I dismiss the applicants' application without leave to reapply.

This decision is made on delegated authority under section 9.1(1) of Act.

Dated: June 8, 2021

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Residential Tenancy Branch