



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **MNDCL-S, MNRL-S, FFL**

Introduction

This hearing dealt with an application pursuant to the *Residential Tenancy Act* (the “Act”) for a monetary award for damages and loss pursuant to section 67 and authorization to recover the filing fee from the respondent pursuant to section 72.

The respondent did not attend this hearing which lasted approximately 30 minutes. The teleconference line remained open for the duration of the hearing and the Notice of Hearing was confirmed to contain the correct hearing information.

The applicant was made aware of Residential Tenancy Rule of Procedure 6.11 prohibiting recording dispute resolution hearings and they testified that they were not making any recordings.

The applicant testified that they served the respondent with the notice of application by leaving a copy at the address at which the respondent resides on or about April 1, 2021. Based on the undisputed testimony I find the respondent duly served with the materials on that date in accordance with sections 88 and 89 of the Act and in any event has been sufficiently served in accordance with section 71(2)(b).

Issue(s) to be Decided

Is this matter within the jurisdiction of the Act? If so is the applicant entitled to the relief sought?

Background and Evidence

At the outset of the hearing the applicant testified that they and the respondent are both tenants under a tenancy agreement with a third-party landlord. The applicant characterized their relationship with the respondent as roommates and testified that no landlord-tenant relationship exists between the parties. The applicant testified that they are not acting as agents of the landlord listed in the tenancy agreement.

Analysis

Based on the undisputed testimony of the applicant I find that no landlord/tenant relationship exists or ever existed between the parties. I accept the submission of the applicant that the true nature of their relationship with the respondent is one of occupant/roommates.

Under these circumstances and based on the evidence before me, I find that the *Act* would not apply to this living arrangement. I therefore have no jurisdiction to render a decision in this matter.

Conclusion

I decline to hear this matter as I have no jurisdiction to consider this application. The applicant is at liberty to seek an order through a tribunal of competent 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 31, 2021

Residential Tenancy Branch