



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ERP, FFT

Introduction

This hearing convened as a result of a Tenants' Application for Dispute Resolution, filed on October 3, 2022, wherein the Tenants requested an Order that the Landlords make emergency repairs to the rental unit and recovery of the filing fee.

The hearing of the Tenants' Application was scheduled for November 1, 2022. Both parties called into the hearing.

Preliminary Matter—Respondents Name

Hearings before the Residential Tenancy Branch are conducted in accordance with the *Residential Tenancy Branch Rules of Procedure*. Rule 4.2 of the *Rules* allows me to amend an Application for Dispute Resolution in circumstances where the amendment might reasonably have been anticipated. The authority to amend is also provided for in section 64(3)(c) (RTA) 57(3)(c) (MHPTA) which allows an Arbitrator to amend an Application for Dispute Resolution.

At the outset of the hearing the Respondents confirmed the spelling of their names. I therefore Amend the Tenant's Application to correctly name the Respondents.

Preliminary Matter—Jurisdiction

As well, the Respondents confirmed they had sold the rental property and were no longer the owners as of the day prior to the hearing, October 31, 2022. This was not disputed by the Applicants.

When a property sells and legal title transfers to a new owner, the new owners become the landlords. In this case, at the time of the hearing the Respondents had no legal interest in the property. As such, there no longer exists a tenancy relationship between the parties.

Further, the new owners were not served with notice of the hearing, nor the Application and evidence in support of the claim. The Tenant was aware that should he wish to obtain an order compelling the new owners to repair the rental unit, he must name the new owners as landlord in any future applications.

Conclusion

The Respondents sold the rental property such that a tenancy relationship no longer existed between the parties. I therefore decline jurisdiction to determine this dispute.

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: November 01, 2022

Residential Tenancy Branch