



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Introduction

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

- an order to the landlord to make repairs to the rental unit pursuant to section 32;
- an order to allow the tenant(s) to reduce rent for repairs, services or facilities agreed upon but not provided, 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. No issues were raised with respect to the service of the application and evidence submissions on file.

The respondent to this application is himself a tenant residing in the upper portion of this house. The tenants reside in the basement suite. The respondent submits that he was only helping the actual landlord "M.G." who is an elderly person in his 80's. He found the landlord working by himself on getting the basement unit ready to rent and he offered his assistance on compassionate grounds. On behalf of the landlord, he found tenants to occupy the basement suite and even entered into tenancy agreements with them under his own name. The respondent submits that he is not himself renting the entire house and is not subletting the basement unit. The respondent submits he does collect the rent from the tenants and forwards it to the landlord. The respondent submits that he previously provided the tenants with the landlord's direct contact number so they can deal with him directly and recently provided them with the landlord's full name and address.

The tenants themselves are unsure who their landlord is and submit that both the respondent and M.G. have been acting as the landlord. The tenants submit that most of their discussions occur through the respondent. The tenants submit the owner has come into the unit to perform repairs but has been doing so without any notice, which is why they are requesting an order to restrict access.

As the tenants were seeking orders such as restricting access of the owner and repairs which only the owner or original landlord could be held liable for, the tenants were advised that it may be in their best interest to reapply and name the owner as a party to this application. The tenants were advised to name both the owner and the respondent as parties in the new application and it could be determined if one or both should be held responsible for any orders requested.

The tenants were agreeable to the above suggestion and this application was 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: December 20, 2022

Residential Tenancy Branch