



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes OPR, FFL

This hearing was convened as a result of the Applicant's Application for Dispute Resolution ("Application") under the *Residential Tenancy Act* ("Act"), for an order of possession for unpaid rent, further to having served the Respondent with a 10 Day Notice to End Tenancy for Unpaid Rent dated October 9, 2022 ("10 Day Notice"); and to recover their \$100.00 Application filing fee.

An agent for the Applicant, C.A. ("Agent"), appeared at the teleconference hearing and gave affirmed testimony. No one attended on behalf of the Respondent. The teleconference phone line remained open for over ten minutes and was monitored throughout this time. The only person to call into the hearing was the Agent, who indicated that he was ready to proceed. I confirmed that the teleconference codes provided to the Parties were correct and that the only person on the call, besides me, was the Agent.

I explained the hearing process to the Agent and gave him an opportunity to ask questions about it. During the hearing, the Agent was given the opportunity to provide his evidence orally and to respond to my questions. I reviewed all oral and written evidence before me that met the requirements of the Residential Tenancy Branch ("RTB") Rules of Procedure ("Rules"); however, only the evidence relevant to the issues and findings in this matter are described in this Decision.

As the Respondent did not attend the hearing, I considered service of the Notice of Dispute Resolution Hearing. Section 59 of the Act and Rule 3.1 state that each respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing. The Agent testified that he served the Respondent with the Notice of Hearing documents by Canada Post registered mail, sent on November 7, 2022. The Agent provided a Canada Post tracking number as evidence of service. I find that the Respondent was deemed served with the Notice of Hearing documents in accordance with the Act. I, therefore, admitted the Application and evidentiary documents, and I continued to hear from the Agent in the absence of the Respondent.

The Agent provided his email address and the Respondent's mailing address in the

Application, and he confirmed these in the hearing. He also confirmed his understanding that the Decision would be emailed the Applicant and mailed to the Respondent, as the Agent did not have the Respondent's email address.

Jurisdiction

The Agent said the Applicant does not know the Respondent's full name and said that the Respondent is not permitted to reside in the rental unit. The Agent said that the Respondent worked on the residential property, knew about the lock box for the key, and moved in without the Applicant's permission. The Agent said that the Respondent is squatting in the Applicant's property.

Based on the undisputed evidence before me, I find that I do not have the authority to consider this matter, because the Parties do not have a tenancy agreement and are not in a landlord and tenant relationship pursuant to the Act.

I encourage the Applicant to seek the help of the police in removing the Respondent from the residential property, as the RTB does not have jurisdiction over these Parties.

The Applicant's Application is dismissed without leave to reapply, pursuant to section 62 of the Act.

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: March 03, 2023

Residential Tenancy Branch