



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing

Page: 1

DECISION

Dispute Code: MNETC

Introduction

The Applicants sought compensation against the Respondent pursuant to the *Residential Tenancy Act* (the “Act”).

Preliminary Issue: Jurisdiction

In reviewing the documentary evidence and written submissions of the Respondent, including a verbal confirmation from the Respondent during the brief hearing, it is my finding of fact that the parties were in a roommate-type living arrangement. Neither Applicant attended the hearing.

While there was a copy of a sublease agreement in evidence, the Respondent explained in their written submission that “I lived in the apartment alongside [the Applicants], providing a furnished room to them and sharing all common space from July 1, 2022 through September 30, 2022.” The Respondent was a tenant of a landlord under a tenancy agreement.

As per *Residential Tenancy Policy Guideline 19. Assignment and Sublet*, a third party who rents a room from a tenant is considered an occupant or roommate “with no rights or responsibilities under the Act.” Therefore, the Applicants have no standing to bring an application for dispute resolution claiming compensation against the Respondent.

The legal and contractual relationship between the Applicants and the Respondent falls outside the jurisdiction of the Act and my authority as an arbitrator.

Conclusion

The application is hereby DISMISSED, without leave to reapply, for want of jurisdiction.

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

Dated: June 28, 2023

Residential Tenancy Branch