



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Introduction

This hearing dealt with an Application for Dispute Resolution (application) by the Landlord and RB, TB and BP, who have applied as tenants under the Residential Tenancy Act (the Act).

Based on the testimony provided, I am satisfied on service for all relevant materials before me.

Those listed on the cover page of this decision attended the hearing and were affirmed. Words utilizing the singular shall also include the plural and vice versa where the context requires.

Preliminary Matter and Analysis

The first issue that I must decide is whether the Act has jurisdiction over the parties in order to proceed with the application.

The tenancy agreement submitted in evidence does not list RB, TB and BP. DF and GF testified that they believe RB, TB and BP are squatters/occupants and not tenants under the Act. The Landlord and their agent agreed that RB, TB and BP are squatters/occupants.

RB, TB and BP submitted an "intent to rent form" for an address that does not match the rental unit address. There was no evidence presented that RB, TB and BP ever paid rent to the Landlord at any time.

DF and GF testified that RB, TB and BP have no right to occupy the rental unit.

Based on the above, the testimony and evidence, and on a balance of probabilities, I find the following.

Based on the lack of a tenancy agreement and insufficient evidence that RB, TB and BP have ever been tenants of the Landlord, I find that RB, TB and BP are occupants and have no rights or obligations or any other protections under the Act.

As these applications name occupants RB, TB and BP as both applicant and respondents, **I find** there is no jurisdiction to hear this dispute.

I also note that the Supreme Court stay issued in December 2023, on an order of possession already granted on another matter but ends the tenancy between the Landlord and tenants DF and GF, that the stay expires on this date, January 18, 2024 at 4:00 PM, based on the documents submitted before me.

Conclusion

I find that I do not have jurisdiction to hear this dispute as noted above.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: January 18, 2024

Residential Tenancy Branch