



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, CNR, MNRT, RR, FFT, OPR, MNRL, FFL

Introduction

In the first application the tenant seeks to cancel an unparticularized one month Notice to End Tenancy, a rent reduction and a monetary award for monies he has paid to maintain the rental unit. By amendment he also seeks to cancel a ten day Notice to End Tenancy received October 7, 2020.

In the second application the landlord seeks an order of possession pursuant an earlier, unchallenged, ten day Notice to End Tenancy dated September 24, 2020 and served September 25, and for a monetary award for unpaid rent.

Ms. TM is the committee of the estate of the landlord RD, appointed by the court on August 17, 2020.

At this hearing the tenant MR stated under oath that his relationship with the landlord is not a landlord tenant relationship. He testified that he is merely on the property to help the landlord maintain it. There is no rental agreement with her and he pays no rent.

It was pointed out to the parties that if there is no tenancy (which, by definition, includes a license to occupy the premises) then the committee could remove him directly, using the police if necessary. Any permission for the tenant to be on the property has obviously been withdrawn by the landlord's committee bringing this application.

MR maintained his position there was no tenancy. Counsel for the landlord accepted that position, though it was pointed out that if there was no tenancy the landlord could not claim for rent.

I therefore determine there is no residential tenancy relationship between MR and RD.

Both applications are dismissed for lack of jurisdiction.

This decision was rendered orally at hearing 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: November 09, 2020

Residential Tenancy Branch