



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT

Introduction

This hearing was convened by way of conference call concerning an application made by the tenant seeking a monetary order for money owed or compensation for damage or loss under the *Residential Tenancy Act*, regulation or tenancy agreement.

The tenant and the landlord attended the hearing, as well as a witness for the landlord.

At the commencement of the hearing, I questioned the tenant about the tenancy agreement because the landlord's evidence indicates that the tenant named in this application is not and never was a tenant of the landlord. The landlord has provided copies of 2 tenancy agreements and the tenant has provided the first page only of a tenancy agreement, none of which contain the name of the tenant as set out in this application. The tenant advised that, with the authorization of one of the tenants named in the application, the tenant is acting as that person's agent. The tenant also advised that there have been 4 previous disputes wherein the tenant acted as representative, and I reviewed the case records during the hearing. Two were abandoned by the tenant due to no payment of the filing fee and the other two were withdrawn by the tenant. All of them name the tenant as a person who is named as a tenant in the tenancy agreement.

I alerted the parties to the *Residential Tenancy Act*, which states that I have the authority to determine disputes between landlords and tenants. The *Act* also states that the rights, obligations and prohibitions established under the *Act* are enforceable between a landlord and tenant under a tenancy agreement.

Since the tenant named in the application is not a tenant, I decline jurisdiction.

Conclusion

For the reasons set out above, I decline jurisdiction with respect to the application.

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 26, 2022

Residential Tenancy Branch