



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNDC, OLC, CNC

### Introduction

This hearing dealt with the tenant's Application for Dispute Resolution seeking a monetary order.

The hearing was conducted via teleconference and was attended by the applicant, his agent and the respondent.

At the outset of the hearing it was noted these two parties have another hearing scheduled for March 28, 2012 based on the tenant's Application for Dispute Resolution seeking to cancel a notice to end tenancy. With agreement from both parties I have joined both of the Applications and adjudicated them as part of this hearing.

### Issue(s) to be Decided

The issues to be decided are whether the applicant is entitled to cancel a 1 Month Notice to End Tenancy for Cause; to a monetary order for compensation for loss of quiet enjoyment, pursuant to Sections 28, 47, 67, and 72 of the *Residential Tenancy Act (Act)*.

### Background and Evidence

In her written submission the respondent indicated that she is not the owner of the rental unit but rather that she rents the unit from another landlord. During the hearing the applicant testified that he was aware that the respondent did not own the rental unit and that she did rent the unit.

The applicant provided substantial testimony regarding issues between the two parties during the time they lived in the same rental unit. The applicant's agent provided testimony about a case he had recently been found as a landlord in a similar situation. The agent provided no evidence of any previous decision or any testimony that was relevant to any determination in this case.

### Analysis

Section 1 of the *Act* defines a landlord as, among other things, a person, other than a tenant occupying the rental unit, who is entitled to possession of the rental unit, and

exercises any of the rights of a landlord under a tenancy agreement or the *Act* in relation to the rental unit.

From the testimony of both parties, I find the respondent named in this Applications is a tenant who occupying the rental unit and therefore is not the applicant's landlord in accordance with the *Act*.

### Conclusion

For the reasons above, I find the parties are in a roommate situation and as such I decline jurisdiction on all matters in these Applications.

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 16, 2012.

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Residential Tenancy Branch