



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FF

Introduction

This hearing dealt with an Application for Dispute Resolution with the applicant seeking an order of possession.

The hearing was conducted via teleconference and was attended by the applicant only.

The applicant testified he served the respondent with notice of this hearing personally on August 15, 2012 and that this service was witnessed by a third party. Based on the applicant's testimony I accept the respondent was sufficiently served for the purposes of this hearing.

At the outset of the hearing the applicant clarified that he rents the rental unit from a landlord and that the respondent rents a room from the applicant. Section 1 of the Residential Tenancy Act (Act) stipulates, among other things, that the definition of landlord includes "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 this Act in relation to the rental unit."

I find the applicant is a tenant who is occupying the rental unit and as such, I find the applicant cannot, by definition under the *Act* be considered a landlord.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession ending the tenancy early and without notice and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 56, 67, and 72 of the *Residential Tenancy Act (Act)*.

Conclusion

For the reasons noted above, I find the dispute is a dispute between roommates and therefore I decline jurisdiction.

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: August 24, 2012.

Residential Tenancy Branch