



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **INTERIM DECISION**

### **Dispute Codes:**

MNDC; MNSD

### **Introduction**

This is the Tenant's application for compensation for damage or loss under the Residential Tenancy Act (the "Act"), regulations, or tenancy agreement; and return of the security deposit.

The Tenant's Application for Dispute Resolution was filed on September 11, 2012, and amended on November 5, 2012, to include the Landlord JL as a Respondent.

The parties gave affirmed testimony at the Hearing.

The Tenant testified that he served each of the Landlords with the Notice of Hearing documents, including a copy of the amended Application, by registered mail on November 15, 2012. The Landlord MB acknowledged receipt of the documents on behalf of both Landlords.

It was determined that the Landlords received the Tenant's forwarding address in writing on August 29, 2012, by registered mail.

### **Preliminary Matters**

At the outset of the Hearing, the Landlord MB submitted that the Residential Tenancy Act does not apply to this tenancy. He stated that he is a 5% owner of the rental unit and that he shares bathroom facilities with the Tenant.

The Tenant disputed that the Landlord MB is an owner of the rental unit.

The Landlord MB stated that in a prior Decision, it was found that the Act did not apply to another property that he co-owned. He stated that he did not file an Application against the security deposit because he believed the Act did not have jurisdiction over the tenancy, based on the prior Decision.

I adjourned this matter in order to allow the Landlord BM to provide a copy of the Land Title Search with respect to the rental property. I advised the parties that no further documentary evidence would be accepted by either party.

**Conclusion**

This matter will reconvene on the date provided on the enclosed Notice of Reconvened Hearing document which accompanies this Decision. Neither party is required to serve the other with the Notice of Reconvened Hearing.

This Interim 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: November 28, 2012.

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Residential Tenancy Branch