Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   MNSD, FF

Introduction

This hearing was scheduled to deal with a tenant's request for return of double the security deposit. Both parties appeared at the scheduled hearing.

At the outset of the hearing, the respondent stated that the parties did not have a landlord/tenant relationship but were roommates. The respondent stated that she is a tenant herself.

The applicant submitted that she believes the parties had a landlord/tenant relationship based upon the written contract they entered into.

Both parties agreed that there was a written contract but neither party submitted a copy of it for my review.

The Act and my authority to resolve disputes applies to landlords and tenants who have entered into a tenancy agreement. The Act defines the term "landlord" to include the owner of the residential property or a person acting on behalf of the owner with respect to the rights and obligations of a landlord under the Act. Thus, in order to proceed with this dispute I must be satisfied the respondent is a landlord under the Act.

Where jurisdiction comes under dispute it is the applicant that bears the burden to show the Act applies.

Based upon the testimony presented to me and in the absence of the written contract I find I am not satisfied the respondent is a landlord under the Act. Therefore, I have dismissed this Application for Dispute Resolution with leave.

I encouraged the parties to resolve this dispute themselves. The parties agreed to meet at 5:00 p.m. tonight at the Starbucks at the corner of Cornwall and Yew Street and the

respondent requested that I record this agreement to meet. As a courtesy, I have recorded their agreement to meet tonight in this decision.

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 29, 2013

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Residential Tenancy Branch