



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, OLC

Introduction

This hearing dealt with an Application for Dispute Resolution with the applicant seeking a monetary order.

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

The applicant testified the respondent was served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* by registered mail on August 4, 2015 in accordance with Section 89.

The applicant submitted into evidence documents tracking both his hearing package and evidence package showing that despite being notified twice for each package the respondent did not claim the registered mail.

The applicant testified that as a result he took the packages to the respondent's residence and he spoke with her through the window but would not open the door so he put the packages in her mail slot.

Based on the undisputed testimony of the applicant, I find that the respondent has been sufficiently served with the documents pursuant to the *Act*.

At the outset of the hearing the applicant confirmed that the respondent rented the rental unit from a landlord; that he rented a room from her and that he and other roommates shared kitchen and bathroom facilities.

Section 1 of the *Act* defines a landlord, in relation to a rental unit, as any of the following:

- The owner of the rental unit, the owner's agent or another person who, on behalf of the landlord
 - Permits occupation of the rental unit under a tenancy agreement or
 - Exercises powers and performs duties under the *Act* or the tenancy agreement;

- The heirs, assigns, personal representatives and successors in title to a person referred to above;
- 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.

As per the applicant's submission that the respondent was a tenant occupying the rental unit, I find the applicant and respondent are roommates and do not have a landlord/tenant relationship.

Issue(s) to be Decided

The issues to be decided are whether the applicant is entitled to a monetary order for double the amount of the security deposit, pursuant to Sections 38, 67, and 72 of the *Act*.

Conclusion

Based on the above, I declined to accept jurisdiction on these matters. I dismiss this Application for Dispute Resolution.

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: January 25, 2016

Residential Tenancy Branch

