



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MNDC, OLC, FF, O

Introduction

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

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

At the outset of the hearing I confirmed the respondent rents the residential property from the owner of the property and that she rents out rooms to other individuals. Both parties confirmed these circumstances and that during the tenancy they shared kitchen and bathroom facilities.

Section 1 of the *Residential Tenancy Act (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.

Based on the testimony of both parties, I find the respondent in this claim is a person who is a tenant occupying the rental unit. As such, I find the *Act* does not apply to the tenancy arrangement between these parties.

Issue(s) to be Decided

The issues to be decided are whether the applicant is entitled to a monetary order for return of double the amount of the security deposit and to recover the filing fee from the

respondent for the cost of the Application for Dispute Resolution, pursuant to Sections 38, 67, and 72 of the *Act*.

Conclusion

As I have determined the *Act* does not apply to this tenancy, I decline to accept jurisdiction in the matters set forth in the 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: November 21, 2016

Residential Tenancy Branch