



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FF

Introduction

This hearing was convened in response to an application for dispute resolution pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An early end to the tenancy and an order of possession - Section 56; and
2. An Order to recover the filing fee for this application - Section 72.

The Landlord and Tenant were each given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Does the Act apply to the dispute?

Background and Evidence

The Applicant confirms that he rents the entire apartment from another person and that the Respondent was occupying a bedroom in that apartment. The Applicant confirms that the living room, kitchen and common areas were shared with the Respondent while the Applicant occupied another bedroom in the apartment. The Parties confirm that the Respondent has moved out of the apartment.

Analysis

Section 2 of the Act provides that it applies to tenancy agreements, rental units and other residential property. Section 1 of the Act defines “tenancy agreement” as, inter

alia, an agreement between a landlord and a tenant. Section 1(c) of the Act defines “landlord” as, inter alia, a person, other than a tenant occupying the rental unit. Based on the undisputed evidence that the Applicant rents and occupies the apartment, I find that the Applicant is a tenant and not a landlord under a tenancy agreement with the Respondent. The Parties are more readily described as roommates and the Act does not apply to a dispute between roommates. I therefore dismiss the application.

Conclusion

The application is dismissed as the Act does not apply.

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: June 18, 2018

Residential Tenancy Branch