

## **DECISION**

Dispute Codes      MNSD FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenant to obtain a Monetary Order for the return of double her security deposit and to recover the cost of the filing fee from the Landlord for this application.

Service of the hearing documents, by the Tenant to the Landlord, was done in accordance with section 89 of the *Act*, sent via registered mail. The Landlord confirmed receipt of the hearing package.

Both the Landlord and Tenant appeared, acknowledged receipt of evidence submitted by the other, gave affirmed testimony, were provided the opportunity to present their evidence orally, in writing, and in documentary form.

All of the testimony and documentary evidence was carefully considered.

### Preliminary Issues

The issue of jurisdiction was raised based on the documentary evidence supplied by the Landlord, whereby she advised that she is the owner of the subject property and that she chooses to share her home with others.

The Tenant testified that although she kept her personal possessions in the basement bathroom and kitchen, she was given free range of the full house, along with other tenants and the Landlord. The Tenant stated that if the washroom or kitchen was being used downstairs she would use the facilities upstairs.

Analysis

Section 4(C) of the *Residential Tenancy Act* states that, among other things, the *Act* does not apply to living accommodation “in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation”. For that reason, I declined to hear this matter for want of jurisdiction.

Conclusion

I HEREBY DISMISS the application, without leave to reapply, for want of jurisdiction and the applicant is advised to seek out and make application with the appropriate court.

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: July 17, 2009.

---

Dispute Resolution Officer