

DECISION

Dispute Codes: MNSD and FF

Introduction

This application was brought by the tenant seeking return of her security deposit in double on the allegation that the landlord failed to return it or make application to claim against it as required by section 38(1) of the *Act*.

At the commencement of the hearing, the landlord raised a question as to whether this living accommodation was a tenancy within the jurisdiction of the *Residential Tenancy Act*. The landlord gave uncontested evidence that he owns and lives in the rental unit and shared kitchen and bathroom facilities with the tenant.

Section 4 of the *Act* sets out classes of living accommodations not covered by the *Act* and includes at subsection (c) those, "...in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation."

Therefore, I find that this matter is excluded from the *Act* and the application is dismissed without leave to reapply for want of jurisdiction.

January 15, 2010.