

DECISION

Dispute Codes: MNSD and FF

Introduction

This application was brought by the tenant on January 11, 2010 seeking a Monetary Order for return of her security deposit after the landlord did not return it or make application to claim upon it with 15 days of the latter of the end of the tenancy or receipt of the tenant's forwarding address.

Despite having been served with the Notice of Hearing sent by registered mail on February 3, 2010, the landlord did not call in to the number provided to enable his participation in the telephone conference call hearing. Therefore, it proceeded in his absence.

Issues to be Decided

This application requires a decision on whether the tenant is entitled to a Monetary Order for return their security deposit and whether the amount should be doubled.

Background and Evidence

This tenancy began in September of 2008 and ended in November of 2008, although the tenant was not certain of the exact dates. Rent was \$375 and the tenant stated that her security deposit of \$187.50 was paid on September 9, 2008.

During the hearing, the tenant gave evidence that the rental unit was a manufactured home in which she rented one bedroom and shared kitchen and bath facilities with the landlord.

Analysis

Section 4 of the *Residential Tenancy Act* lists a number of tenancy types to which the *Act* does not apply. Subsection (c) adds to that list, “living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation.”

Therefore, I must decline jurisdiction in this matter.

Conclusion

This application is dismissed without leave to reapply for want of jurisdiction under section 4(c) of the *Act*.

June 22, 2010