

## **DECISION**

Dispute Codes      OPR, MNR, FF

### Introduction

Some documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The respondent was served with notice of the hearing by hand on March 16, 2010, but did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

### Issues(s) to be Decided

This was a request for a monetary order for \$800.00 and a request that the respondent bear the \$50.00 cost of the filing fee that was paid for the application for dispute resolution

### Decision and reasons

No hearing was held because at the beginning of the hearing I determined that the Residential Tenancy Act has no jurisdiction over this matter.

The Agent for the applicant testified that the tenant in this case shared the kitchen with the landlord/owner of the property, and therefore the Residential Tenancy Act does not apply to this tenancy.

Section 4(c) of the Residential Tenancy Act states:

**4** This Act does not apply to

(c) living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation,

Conclusion

I decline jurisdiction over this matter and the applicant will have to pursue the claim through Small Claims 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 13, 2010.

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Dispute Resolution Officer