



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNSD, FF

Introduction

This hearing dealt with the Applicant's Application for Dispute Resolution for a monetary Order for a return of all or part of the security deposit and to recover the filing fee.

At the commencement of the hearing, I asked the Applicant about the rental unit set up for the purposes of establishing jurisdiction under the Act.

The Applicant acknowledged that she rented a room in the Respondent's house and shared the kitchen facility with him.

Issue(s) to be Decided

1. Does the *Residential Tenancy Act* apply to this dispute and do I have jurisdiction to resolve this dispute?

Background and Evidence

The Applicant testified she shared the kitchen facility with the Respondent and there was no need to obtain further background or evidence, although I reviewed her submissions prior to the hearing.

Analysis

In order for the Applicant to succeed in this application, the Applicant must show that the *Residential Tenancy Act* applies.

Section 4 (c) of the *Act* states that the Act does not apply to living accommodation in which the tenant shares a bathroom or kitchen facilities with the owner of that accommodation. As a result, I decline to find jurisdiction to resolve this dispute. The parties are at liberty to seek the appropriate legal remedy to this dispute.

Conclusion

I do not find the *Residential Tenancy Act* applies to this dispute and I have declined jurisdiction.

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: November 02, 2010.

Dispute Resolution Officer