



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNR, MNDC, MNSD, FF, SS

Introduction

This hearing was commenced by way of conference call this date to deal with the tenant's application for a monetary order for the cost of emergency repairs; for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement; for an order that the landlord return the security deposit; for an order permitting the tenant to serve documents or evidence in a different way than required by the *Act*; and to recover the filing fee from the landlord for the cost of this application.

The hearing was scheduled to commence at 11:00 a.m. The landlord attended the hearing and was prepared to respond to the tenant's application, however by 11:15 a.m. the tenant had not dialled into the conference call hearing.

The landlord stated that the tenancy was a rented room in the landlord's house, and the house is owned by the landlord. Further, the tenant shared a kitchen with the owner, and submitted that the *Residential Tenancy Act* does not apply.

Analysis

The *Residential Tenancy Act* sets out what matters apply to the *Act* and what matters do not:

4 This Act does not apply to

- (a) living accommodation rented by a not for profit housing cooperative to a member of the cooperative,
- (b) living accommodation owned or operated by an educational institution and provided by that institution to its students or employees,

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

I find that the *Act* does not apply to this tenancy, and my authority is limited to the *Residential Tenancy Act*, the *Manufactured Home Park Tenancy Act*, and the regulations.

Conclusion

For the reasons set out above, the tenant's application is hereby dismissed in its entirety without leave to reapply.

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: December 03, 2010.

Dispute Resolution Officer