



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **DECISION**

Dispute Codes      MNDC, MNSD, O

### Introduction

This matter dealt with an application by the Tenant to recover an overpayment of rent as well as her security deposit. This oral hearing via teleconference started at 11:00 a.m. as scheduled, however by 11:10 a.m. neither party had dialled into the conference call. As there has been no hearing into the merits of the Tenant's application, it is dismissed with leave to reapply.

In her written submissions the Tenant stated that her rent included a portion for "boarding." Section 4(c) of the Act says that the Act does not apply to accommodations in which the tenant shares kitchen or bathroom facilities with the owner of those accommodations. Consequently, if this was a rental unit in which the Tenant shared kitchen or bathroom facilities with the Landlord who is the owner of the rental property, then her dispute could not be heard by the Residential Tenancy Branch.

### Conclusion

The Tenant's application is dismissed with 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: February 01, 2011.

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Residential Tenancy Branch