



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MNDC

Introduction

This hearing was scheduled to hear a tenant's application for monetary compensation for damage or loss under the Act, regulations or tenancy agreement. Both parties appeared at the hearing and were provided the opportunity to make submissions, in writing and orally, and to respond to the submissions of the other party.

From the tenant's written submissions and statements at the commencement of this hearing it was evident that jurisdiction must first be determined.

Issue(s) to be Decided

Does the Act apply to this living accommodation and do I have authority to resolve this dispute?

Background and Evidence

Both the tenant and the landlord were asked questions about the living accommodation, bathroom facilities and kitchen facilities on the residential property. The parties provided the following information.

The applicant moved into a cabin on the respondent's property in January or February 2011 and moved from a cabin to a camper on the property approximately one month later. The cabin and camper do not have running water or bathroom facilities. The applicant and respondent shared a bathroom in the respondent's house which is on the same property as the cabin and camper. The respondent confirmed that he is the owner of the property.

Analysis

The Act applies to tenancy agreements, rental unit and residential property except as otherwise provided by the Act. Section 4 of the Act provides that the Act does not apply to certain living accommodation including:

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

Upon hearing from the parties, I find the Act does not apply to the living accommodation occupied by the tenant on the respondent's property as the tenant shared bathroom facilities with the owner of the accommodation. Accordingly, I find that I must refuse jurisdiction to resolve this dispute.

The tenant is at liberty to seek remedy through Provincial Court (Small Claims) if the tenant so chooses to pursue the matter.

Conclusion

I have determined the Act does not apply to the subject living accommodation and I have refused jurisdiction to resolve this dispute.

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: April 28, 2011.

Residential Tenancy Branch