



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSD, MNDC, FF

### Introduction

This matter dealt with an application by the Tenant for the return of a security deposit, for compensation for damage or loss under the Act or tenancy agreement and to recover the filing fee for this proceeding. This oral hearing via teleconference started at 9:00 a.m. as scheduled, however by 9:10 a.m., the Tenant/Applicant had not dialled into the conference call.

At the beginning of the hearing the Landlord claimed that during the tenancy, the Tenant shared kitchen and bathroom facilities with her and that she is the owner of the rental property. Section 4(c) of the Act says the Act does not apply to “living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation.” In the absence of any evidence from the Tenant to the contrary, I find that this dispute does not fall under the jurisdiction of the Act and for that reason, the Tenant’s application is dismissed without leave to reapply.

### Conclusion

The Tenant’s application is dismissed 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: June 21, 2011.

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Residential Tenancy Branch