



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC

Introduction

This conference call hearing was convened in response to the tenant's application for a monetary order for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement.

Both parties attended the hearing and provided affirmed testimony. They were given a full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the tenant entitled to a Monetary Order, and if so for what amount?

Background and Evidence

At the outset the landlord testified that he owns the residence in which several roommates share the bathroom and kitchen facilities. This was confirmed by the tenant.

Analysis

Section 4 of the Act states in part that; the Act does not apply to living accommodations in which the tenant shares the bathroom or kitchen facilities with the owner of that accommodation.

Conclusion

Accordingly I find that the living arrangement between the parties was not a tenancy enforceable under the Act and I must decline to hear this matter for lack of jurisdiction.

The tenant's application is hereby dismissed.

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: October 26, 2011.

Residential Tenancy Branch