



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD

Introduction

This hearing was convened by way of conference call in repose to the tenant's application for the return of the security deposit.

At the outset of the hearing the landlord testifies that the tenant rents a room in a house shared with one of the landlords and owner of the house and states bathroom and kitchen facilities are shared. The landlord questions if the Residential Tenancy Board has jurisdiction in this matter.

The tenant does not dispute this and agrees she shares a kitchen and bathroom with the landlord and owner of the house.

From the undisputed testimony presented it is my decision that the landlord does reside at the rental property and does share both kitchen and bathroom facilities with the tenant. Section 4 of the *Residential Tenancy Act (Act)* states that the *Act* does not apply if the rental unit is living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation. Consequently, I decline jurisdiction in this matter and the tenant is at liberty to seek alternative legal remedy to resolve this matter.

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 25, 2011.

Residential Tenancy Branch