



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, 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 and for a Monetary Order for money owed or compensation for damage or loss under the *Residential tenancy Act (Act)*, regulations or tenancy agreement.

At the outset of the hearing the landlord testifies that she lives in the rental property and shares kitchen and bathroom facilities with the tenants. The landlord questions if the Residential Tenancy Board has jurisdiction in this matter and she has provided a copy of her driving licence showing her address is the same as the dispute address.

The tenant questions the landlord about the landlord's residence at the house as she states she does not believe the landlord was residing at the property during her tenancy.

The landlord testifies that just because she was not at the house each day and night does not mean this was not her address and her place of residence.

From the sworn verbal testimony and the documentary evidence presented it is my decision that the landlord does reside at the rental property and did 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