



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MNDC,

Introduction

This matter dealt with an application by the Tenant for the return of a security deposit plus compensation for damage or loss under the Act or tenancy agreement. The oral hearing via conference call started at 9:00 a.m. as scheduled, however by 9:10 a.m., the Tenant/Applicant had not dialled into the conference call and as a result, the hearing proceeded in his absence.

The Landlord claimed that he is the owner of the rental property and that during the tenancy he shared kitchen and bathroom facilities with the Tenant. Section 4(c) of the Act says that the Residential Tenancy 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 Residential Tenancy Branch.

As the Tenant/Applicant appears to have abandoned his application in this matter, I Order pursuant to s. 72(1) of the Act that he pay to the director, the \$50.00 filing fee that was waived for this proceeding.

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: December 14, 2011.

Residential Tenancy Branch