



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD

Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenant to obtain a Monetary Order for the return of double her security deposit.

The parties appeared at the teleconference hearing, acknowledged receipt of evidence submitted by the other, gave affirmed testimony, were provided the opportunity to present their evidence orally, in writing, and in documentary form.

Issue(s) to be Decided

1. Does this matter fall within the jurisdiction of the *Residential Tenancy Act*?

Background and Evidence

The parties agreed they had entered into a verbal tenancy agreement that was for shared accommodation that was to begin August 1, 2011 for the monthly rent of \$750.00 plus \$35.00 per month for utilities.

The Tenant affirmed that sometime in July 2011 she paid the Landlord for the first month's rent, utilities plus \$375.00 as the security deposit.

The Landlord affirmed she has owned this house for the past 25 years and she occupied the house and would be sharing the kitchen and bathroom with the Tenant had she moved in.

Analysis

Section 4(c) of the Act stipulates that this Act does not apply to living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation.

The evidence supports that in this case the Tenant would have been sharing bathroom and kitchen facilities with the Landlord who occupies the house. Accordingly I hereby dismiss this application for want of jurisdiction.

Conclusion

I HEREBY DISMISS the Tenant's application.

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: January 09, 2012.

Residential Tenancy Branch