



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNSD and FF

Introduction

This hearing was convened in response to an Application for Dispute Resolution, in which the Applicant applied for the return of double the security deposit and to recover the filing fee from the Respondent for the cost of filing this application.

The Applicant stated that copies of the Application for Dispute Resolution and Notice of Hearing were sent to the Respondent via registered mail at the service address noted on the Application, on November 10, 2011. Canada Post documentation was submitted that corroborates this statement. These documents are deemed to have been served in accordance with section 89 of the *Residential Tenancy Act (Act)*, however the Respondent did not appear at the hearing.

Issue(s) to be Decided

The issue to be decided is whether the Applicant is entitled to the return of double the security deposit paid in relation to this tenancy and to recover the cost of filing this Application for Dispute Resolution.

Preliminary Issue - Jurisdiction

Before considering the merits of the Application for Dispute Resolution I must determine whether this application has jurisdiction under the *Act*. The legislation does not confer authority to consider disputes between all types of relationships between parties.

The Applicant stated that he occupied a bedroom on an upper floor of this residential complex; that the Respondent occupied a bedroom on a lower floor of this residential complex; that he shared kitchen facilities with the Respondent; and that he believes the Respondent is the owner of the residential complex.

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. As the Applicant and the Respondent shared kitchen facilities and the Respondent appears to be the owner of the accommodation, I find that I do not have jurisdiction in this dispute.

Conclusion

As I do not have jurisdiction in this matter, I dismiss the Application for Dispute Resolution.

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 25, 2012.

Residential Tenancy Branch