



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD MND FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the Applicant to obtain a Monetary Order for damage to the unit, site, or property; to keep all or part of the security deposit, and to recover the cost of the filing fee from the Respondent.

The parties appeared at the teleconference hearing, acknowledged receipt of evidence submitted by the other and gave affirmed testimony.

Issue(s) to be Decided

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

Background and Evidence

The Applicant affirmed she entered into an agreement whereby the Respondent was provided accommodations that included a separate secure kitchen and living room with a bedroom and bathroom that was located in a common area shared with the owner of the property and/or her family. The Applicant advised that her children's bedroom was located in the common area and that her family shared the bathroom with the Respondent even though she requested that they not.

Analysis

Section 5(c) of the *Residential Tenancy 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.

After careful consideration of the aforementioned I find this accommodation does not fall within the jurisdiction of the *Residential Tenancy Act*.

Conclusion

I HEREBY decline to hear the matters pertaining to this application, for want of jurisdiction.

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: May 17, 2012.

Residential Tenancy Branch