



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR, MNR, MND, MNSD, MNDC, FF

Introduction

This hearing was convened in response to the Landlord's Application for Dispute Resolution, in which the Landlord has made application for an Order of Possession for Unpaid Rent, a monetary Order for unpaid rent, a monetary Order for damage; a monetary Order for money owed or compensation for damage or loss; to retain all or part of the security deposit, and to recover the filing fee for this Application for Dispute Resolution.

The Landlord stated that on December 14, 2012 she personally delivered copies of the Application for Dispute Resolution and Notice of Hearing to the lawyer's office that was provided to her as a service address for the Tenant during a different dispute resolution proceeding, on December 03, 2012. In the absence of evidence to the contrary, I find that these documents have been served in accordance with the *Residential Tenancy Act (Act)*, however the Tenant did not appear at the hearing.

Issue(s) to be Decided

Is the Landlord is entitled to an Order of Possession; compensation for damage to the rental unit and for stress; to keep all or part of the security deposit; and to recover the fee for filing an Application for Dispute Resolution, pursuant to sections 38, 55, 67, and 72 of the *Act*?

Background and Evidence

The Landlord stated that the Tenant lived in a room above the garage of the residential complex; that she lives in the residential complex; that she owns the residential complex; and that she shared kitchen facilities with the Tenant.

Analysis

Section 4(c) of the *Act* stipulates that the *Act* does not apply to living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation. As the Landlord, who is the owner of the premises, and the Tenant shared kitchen facilities, I find that the *Act* does not apply to this living arrangement and I do not have jurisdiction over this dispute.

Conclusion

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Act*.

Dated: January 16, 2013

Residential Tenancy Branch

