



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDC, MNSD, O, SS, FF

### Introduction

The tenant applies for various orders, including a monetary claim as against the landlord.

### Issue(s) to be Decided

Is this a tenancy to which the Residential Tenancy Act applies?

### Background and Evidence

The tenant rented a bedroom in the upstairs of the landlord's home for \$500,00 per month, and was permitted use of common areas such as the living room, kitchen and washroom. There were 2 other bedrooms available to rental in the upper portion of the home as well, but at no time where there tenants renting all 3 bedrooms. The landlord initially lived in a suite downstairs, which had a separate washroom but there was no stove there, and she used the upstairs stove when needed. The landlord later moved upstairs, and shared the use of the kitchen and washroom areas.

### Analysis

Section 4(c) of the Residential Tenancy Act states that the Act does not apply to living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of the accommodation. The accommodation in question falls into this category, and I therefore have no jurisdiction over this dispute.

### Conclusion

Jurisdiction over this claim is denied.

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 02, 2013

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Residential Tenancy Branch