



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDS

### Introduction

This is an application by the applicant for a monetary order for return of double the security deposit, the interest and the filing fee for the claim.

Although served with the Application for Dispute Resolution and Notice of Hearing by registered mail sent on February 13, 2013, a Canada post tracking number was provided as evidence of service, the respondent did not appear. I find the respondent has been duly served in accordance with the Act.

### Preliminary issue

The first issue that I must decide is whether the Act has jurisdiction over the parties in order to proceed with this application.

The applicant testified that he rented a room from the owner of the property and they shared the common areas, including kitchen and bathroom.

Section 4 of the Residential Tenancy Act defines what the Act does not apply to. The Act states, it does not apply to living accommodation, in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation,

I accept the evidence of the applicant that he entered into an agreement with the owner of the property to rent a room. However, the evidence supports that the Residential Tenancy Act does not apply in this case, as the applicant was sharing both the kitchen and bathroom facility with the owner of the accommodation. Therefore, I find that there is no jurisdiction to proceed with this application and I dismiss the application without leave to reapply.

### Conclusion

I order that the application is dismissed without leave to reapply due to the lack of jurisdiction under the Act.

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 06, 2013

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Residential Tenancy Branch