



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## Decision

### Dispute Codes:

MNSD, MNDC, FF

### Introduction

This Dispute Resolution hearing was convened to deal with an application by the tenant for the return of the tenant's portion of the security deposit.

A previous hearing was held, that the landlord/respondent did not attend, in which the tenant was successful in being granted a Monetary Order for the return of her security deposit. The landlord made a successful application for a review hearing and the original decision and order were suspended. The matter was set to be reheard today.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained. The participants had an opportunity to submit documentary evidence prior to this hearing, and the evidence has been reviewed. The parties were also permitted to present affirmed oral testimony and to make submissions during the hearing. I have considered all of the affirmed testimony and relevant evidence that was properly served.

### Preliminary Matter

At the outset of the hearing the landlord testified that she was the owner of the residence and that the tenant occupying a portion of the unit shared the kitchen and bathrooms.

Section 4(c) of the Residential Tenancy Act states that the Act does not apply to the following: (c) living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation, (my emphasis)

Given the above, I find that this tenancy relationship is not one that is governed by the Act and I therefore lack any authority to hear or consider this application.

I hereby decline to hear this application on the basis that I lack statutory jurisdiction.

**Conclusion**

The matter brought for dispute by the tenant is found not to be within the jurisdiction of the Act because the tenancy involves sharing of the kitchen and bathroom with the property owner.

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 27, 2013

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Residential Tenancy Branch

