



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD

Introduction

This hearing was scheduled to deal with a tenant's request for a Monetary Order for return of all or part of the security deposit. The landlord did not appear at the hearing. The applicant testified that the hearing documents were sent to the landlord via registered mail and I was provided a copy of the registered mail receipt as proof of service. I was satisfied the respondent was sufficient served with notice of this proceeding and I continued to hear from the applicant.

At the outset of the hearing I determined it necessary to determine whether the Act applies to this tenancy relationship and whether I have jurisdiction to resolve this dispute.

Issue(s) to be Decided

Does the Act apply to this tenancy relationship and do I have jurisdiction to resolve this dispute?

Background and Evidence

The applicant testified that the residential property is a three bedroom house and the tenant shared the kitchen facilities with the named landlord. The applicant testified that she believed the named landlord is the owner of the property although she was not entirely certain.

Analysis

The Act applies to tenancy agreements between a landlord and tenant with respect to use and occupation of rental units and residential property except where exempted by section 4 of the Act.

Section 4 provides that the Act does not apply to certain living accommodations including:

(c) living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation,

Based upon the information presented to me, I find I am not satisfied the Act applies to the subject living accommodation. Therefore, I decline to accept jurisdiction to resolve this dispute.

The applicant remains to liberty to pursue a remedy in the appropriate forum.

Conclusion

I have declined jurisdiction to resolve this dispute.

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: June 12, 2013

Residential Tenancy Branch

