



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNDC MNSD RPP FF

Introduction:

This was an application by the tenant to obtain the return of her personal property and the refund of her security deposit.

Preliminary Issue: Jurisdiction

The tenant rented a room in the home and told how she left the country and came back to find her items gone. Her son as her authorized agent (she authorized him by email to the landlord) had picked up some items and the landlord said that he had told her to discard the rest which were blocking the hallway and part of her child's bedroom. The landlord contended that I do not have jurisdiction in this matter as the tenant shared the bathroom with the landlord's children and also shared the kitchen

Analysis:

Section 4 (c) of the *Residential Tenancy Act* states that this Act does not apply to "living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation.

I find that this tenant did share bathroom and kitchen facilities with the landlord who testified she is the owner of the premises. Therefore I find I have no jurisdiction in this matter. The tenant was advised in the hearing that she would have to pursue any claim in another forum but I declined to give her legal advice.

Conclusion

Having found that I do not have jurisdiction in this matter I hereby dismiss all of the applicant's claims made herein. There shall be no recovery of the filing fee herein.

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 18, 2013

Residential Tenancy Branch

