



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### Dispute Codes:

MNSD, MNDC, and FF

### Introduction

This hearing was convened in response to an Application for Dispute Resolution, in which the Applicant applied for the return of the security deposit, for a monetary Order for money owed or compensation for damage or loss, and to recover the filing fee from the Landlord for the cost of filing this application.

Both parties were represented at the hearing.

### Issue(s) to be Decided

Is the Applicant entitled to the return of the security deposit and a rent refund?

### Background and Evidence

The Applicant and the Respondent agree that they both lived in this rental unit and shared the kitchen facilities. The Respondent stated that she owns the rental unit. The Applicant did not dispute ownership of the rental unit.

### Analysis

Section 4(c) of the *Residential Tenancy Act (Act)* stipulates that the *Act* does not apply to living accommodation in which the tenant shares kitchen facilities with the owner of the accommodations.

As the Applicant shared the kitchen facilities with the owner of the rental unit, I find that the *Act* does not apply to this living arrangement.

### Conclusion

As the *Act* does not apply to this living arrangement, I find that I do not have the authority to resolve the dispute between the parties.

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: July 18, 2013

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Residential Tenancy Branch