



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, RPP, SS

Introduction

This hearing was to deal with an application by the tenant for a monetary order and an order for return of personal property. Although served with the Application for Dispute Resolution and Notice of Hearing by registered mail, the individual landlord did not appear. There was no proof of service on the business as the tenant had not sent a separate registered letter to the business.

Preliminary Issue(s) to be Decided

Does the Residential Tenancy Branch have jurisdiction over this dispute?

Background and Evidence

The rental unit was a bed/sitting room in the landlord's home. The landlord is the owner of the home. The tenant shared the kitchen and bathroom with the landlord and his wife.

Analysis

The Residential Tenancy Branch has been created by statute, the *Residential Tenancy Act*, and can only hear and resolve disputes that are within the jurisdiction created by the statute.

Section 4 states that the *Act* does not apply to certain types of tenancies; one of which is "living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation." (subsection (c)).

As the *Act* does not apply to this type of tenancy, the Residential Tenancy Branch does not have jurisdiction over this dispute.

Conclusion

This application is dismissed as the Residential Tenancy Branch does not have jurisdiction over 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: August 02, 2013

Residential Tenancy Branch

