



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes: MNSD, FF

### Introduction

This hearing was convened in response to the Respondent's Application for Dispute Resolution, in which he applied for the return of his security deposit and to recover the fee for filing an Application. Both parties were represented at the hearing.

### Issue(s) to be Decided

Is the Applicant entitled to the return of the security deposit?

### Background and Evidence

The Applicant and the Respondent agree that the Respondent is the owner of the residence; that the parties jointly resided in the residence; and that the parties shared the kitchen facilities in the residence.

### 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 that accommodation. As the undisputed evidence is that the Respondent is the owner of the living accommodation and that the parties shared the kitchen facility, I find that the *Act* does not apply to this living arrangement.

### Conclusion

As the *Act* does not apply to these parties, I find that I do not have jurisdiction in this matter and I decline to consider the Application for Dispute Resolution. 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 11, 2013

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Residential Tenancy Branch