



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNDC, FF

Introduction

This hearing was scheduled in response to the tenant's Application for Dispute Resolution, in which the tenant requested compensation for damage or loss under the Act and to recover the filing fee from the landlord for the cost of this Application for Dispute Resolution.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained, evidence was reviewed and the parties were provided with an opportunity to ask questions about the hearing process. They were provided with the opportunity to submit documentary evidence prior to this hearing; neither party did so.

Landlord M.L. was served at the address indicated on the application. Landlord N.K. said she signed, accepting the registered mail for M.L. and that she left the package at M.L.'s new address.

Therefore, pursuant to Section 71(2) of the Act that M.L. has been sufficiently served with Notice of this hearing.

Jurisdiction

There was no dispute that the tenant rented a room in the basement of a home owned by N.K. Two other rooms in the basement were occupied; one by the landlord's son. The tenant said that the landlord's son did not occupy a room in the basement.

The landlord said he was in the home for 2 days, the tenant said he was there for 3 days.

There was also no dispute that there was a shared bathroom in the basement. The landlord has a business in the basement area and the bathroom was shared by the roommates, the landlord and her clients.

Section 4(c) of the Act defines what the Act does not apply to:

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

Therefore, as the tenant and landlord/property owner shared the bathroom that was in the basement, I decline jurisdiction.

Conclusion

Jurisdiction is declined.

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: January 21, 2014

Residential Tenancy Branch

