



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MNDC, FF

Introduction

This hearing was convened by way of conference call in response to an application made by the tenant for the return of all or part of the pet damage or security deposit and for money owed or compensation for damage or loss under the *Residential Tenancy Act* (referred to as the “Act”), regulation or tenancy agreement. The tenant also applied to recover the filing fee from the landlord for the cost of this application.

The tenant appeared for the hearing and provided affirmed testimony and documentary evidence in advance of the hearing. The tenant testified that he had served the Notice of Hearing documents to the landlord by registered mail and provided the Canada Post tracking number as evidence for this method of service. Section 90 of the Act states that a document served in this way is deemed to be received five days after it is mailed. Based on this, I find that the tenant served the landlord in accordance with section 89(1) (c) of the Act.

There was no appearance for the landlord during the hearing and no evidence was submitted by the landlord prior to the hearing despite being served with the Notice of Hearing in accordance with the Act.

At the start of the hearing the tenant provided a new address and consented to amend the application with his new address. As a result, I amended the tenant’s application pursuant to section 64 (3) (c) of the Act.

The tenant testified that he rented a room from a landlord in his apartment for two months and paid the landlord a security deposit. The tenant testified that the landlord is the owner of the rental suite and that he and the landlord shared a kitchen together during the duration of the tenancy.

Analysis & Conclusion

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

As a result, I find that I am unable to make a determination in this matter as the Residential Tenancy Branch does not have jurisdiction in this tenancy. As a result, I dismiss the tenant's application without leave to re-apply, pursuant to section 62(4) (b) of the Act.

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: February 18, 2014

Residential Tenancy Branch

