



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD

Introduction

This is an application for an order for return of the security deposit in the amount of \$550.00.

Some documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

The first issue I dealt with is whether or not the Residential Tenancy Act has jurisdiction over this matter.

Background and Evidence

Both the landlord and the tenant testified that this is living accommodation in which the landlord/owner lives, and shares the kitchen with the tenant.

Analysis

Section 4(c) of the Residential Tenancy Act states:

This Act does not apply to living accommodation, in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation,

Therefore since both sides agree that the landlord/owner does live in the rental property and does share the kitchen with the tenants, the Residential Tenancy Act has no jurisdiction over this matter.

Conclusion

I therefore declined jurisdiction over this matter and will not hear the merits of the claim.

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 27, 2014

Residential Tenancy Branch

