



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MND, MNSD, FF

### Introduction

This matter dealt with an application by the Landlord for a Monetary Order for compensation for damage to the unit, site or property, to retain the Tenant's security deposit and to recover the filing fee for this proceeding.

The Landlord evidence shows she served the Tenant with the Application and Notice of Hearing (the "hearing package") by registered mail on January 17, 2014. Based on the evidence of the Landlord, I find that the Tenant was served with the Landlord's hearing package as required by s. 89 of the Act and the hearing proceeded in the Tenant's absence.

At the start of the conference call it was determined that the Landlord/Owner of the property lived in the rental complex and had full access and shared the bathrooms and kitchen with the tenants in the rental complex. Section 4 (c) of the Act says the Act does not apply to living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation. Consequently this is a shared accommodation arrangement between the Applicant and the Respondent and the Residential Tenancy Act does not have jurisdiction over the arrangement.

As this situation is a shared accommodation the Residential Tenancy Branch does not have jurisdiction. I dismiss the application as I find no authority to decide this matter under the *Residential Tenancy Act*.

Conclusion

The application is dismissed for lack of jurisdiction

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: April 30, 2014

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Residential Tenancy Branch

