



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MNDC, O

Introduction

This hearing dealt with an Application for Dispute Resolution by the applicant for a monetary order for money owed or compensation under the Act.

Both parties appeared, gave testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions at the hearing

Preliminary matter

The first issue that I must decide is whether the Act has jurisdiction over the parties in order to proceed with this application.

The applicant testified that she rented a room from the owner of the property and that they shared the kitchen facilities.

The respondent confirmed that he is the owner of the accommodations and kitchen facilities were shared.

Section 4 of the Residential Tenancy Act States

4 This Act does not apply to

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

I accept the evidence of the applicant that she paid the owner rent to live in the accommodation. However, the Residential Tenancy Act does not apply in this case, as the applicant was renting a room and sharing the kitchen facility with the owner of the property. Therefore, I find that there is no jurisdiction to proceed with this application.

Conclusion

I decline to hear the application due to the lack of jurisdiction under 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: May 06, 2014

Residential Tenancy Branch

