



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR, MNDC, MNSD, O, FF

### Introduction

This hearing dealt with an Application for Dispute Resolution with the applicant seeking a monetary order.

The hearing was conducted via teleconference and was attended by the applicant and the respondent.

At the outset of the hearing the applicant clarified that the respondent rented a bedroom in a condominium and that another room was rented to another couple. The applicant stated that the rest of the unit, including the bathroom, kitchen and living area were “common area” shared by the occupants and the applicant.

The applicant indicated that the “common area” was used by the applicant when they had work to do on the rental property or when it was time to complete the taxes for the rental unit. Common area is defined under the *Residential Tenancy Act (Act)* as any part of residential property the use of which is shared by tenants, or by a landlord and one or more tenants.

While I accept that the parties were aware that the common area included the bathroom, kitchen and living area I find the fact that the common area included the only bathroom and kitchen in the rental unit requires that I consider whether Section 4 of the *Act* applies.

Section 4 of the *Act* stipulates that the *Act* does not apply to, among other things, living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of the accommodation.

From the testimony provided by the applicant I find the respondent shared bathroom and kitchen facilities with the owner of the accommodation.

### Issue(s) to be Decided

The issues to be decided are whether the applicant is entitled to a monetary order for lost revenue; for all or part of the security deposit and to recover the filing fee from the

respondent for the cost of the Application for Dispute Resolution, pursuant to Sections 38, 45, 67, and 72 of the *Residential Tenancy Act (Act)*.

Conclusion

Based on the above, I decline jurisdiction on the matters brought forward by the applicant.

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 30, 2014

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Residential Tenancy Branch

