



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MNDC

Introduction

This matter dealt with an application by the Tenant for loss or damage under the Act, regulations or tenancy agreement and to recover the security deposit.

The Applicant said she served the Respondent with the Application and Notice of Hearing (the “hearing package”) by mail on April 13, 2014. Based on the evidence of the Applicant, I find that the Respondent was served with the Applicant’s hearing package as required by s. 89 of the Act and the hearing proceeded with both parties in attendance.

During the conference call it was determined that this living arrangement was not a tenancy but a shared accommodation agreement, because the Owner of the property lived in the unit on occasion and shared the kitchen and bathroom. Section 4 (c) of the Act states that the Act does not apply to shared accommodation.

In the absence of evidence to show there is a tenancy between the Applicant and Respondent the Residential Tenancy Branch does not have jurisdiction in this situation. 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: July 08, 2014

Residential Tenancy Branch

