



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD

Introduction

This is an application by the applicant for a monetary order for return of double the security deposit, the interest and the filing fee for the claim.

Although served with the Application for Dispute Resolution and Notice of Hearing by registered mail sent on April 3, 2014, a Canada post tracking number was provided as evidence of service, the respondent did not appear. I find the respondent has been duly served in accordance with the Act.

Preliminary issue

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 is unsure if the room she rented was from the owner of the property or if he was another tenant as she has been told two different things by two different people. However, believes that he was the owner of the rental premises.

The applicant stated that she did not have exclusive use of the premises as the owner would sleep at the rental premises, if he was not at his girlfriend and they shared the common areas, including the kitchen.

Section 4 of the Residential Tenancy Act defines what the Act does not apply to. The Act states, it does not apply to 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 entered into an agreement with the owner of the property to rent a room. However, the evidence supports that the Residential Tenancy Act does not apply in this case, as the applicant was sharing the kitchen facility with the owner of the accommodation. Therefore, I find that there is no

jurisdiction to proceed with this application and I dismiss the application without leave to reapply.

Conclusion

I order that the application is dismissed without leave to reapply 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: July 22, 2014

Residential Tenancy Branch

