



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDC, MNSD, FF

### Introduction

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. A Monetary Order for compensation - Section 67;
2. An Order for the return of the security deposit - Section 38; and
3. An Order to recover the filing fee for this application - Section 72.

The Landlord and Tenant were each given full opportunity to be heard, to present evidence and to make submissions under oath.

### Issue(s) to be Decided

Is the living accommodation of the Tenant governed by the Act?

### Background and Evidence

The Tenant states that she lived in a unit with the Landlord and shared the kitchen and bathroom. The Tenant states that the Landlord does not own the unit. The Landlord states that he does own the unit and provided a copy of the first page of a contract of sale and purchase of the unit. The Landlord confirms that the bathroom and kitchen was shared with the Tenant.

### Analysis

Section 4 of the Act provides that the Act does not apply to living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that

accommodation. Given the supporting evidence of ownership and considering the undisputed evidence that the Tenant shared the kitchen and bathroom of that unit with the Landlord, I find that the Act does not apply to the dispute. I therefore dismiss the Tenant's application.

Conclusion

The Tenant's application is dismissed.

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: October 30, 2014

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Residential Tenancy Branch

