



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MNDC, FF

Introduction

This hearing was convened by way of conference call concerning an application made by the tenant for a monetary order for return of all or part of the pet damage deposit or security deposit; for a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement; and to recover the filing fee from the landlord for the cost of the application.

The tenant attended the hearing, however despite sending the Tenant's Application for Dispute Resolution and notice of hearing documents to the landlord by registered mail on December 30, 2014, no one for the landlord attended.

During the course of the hearing, the tenant advised that the rental unit is a room in a house that was also occupied by the landlord. The landlord is the owner, and the parties shared kitchen and bathroom facilities.

Analysis

The *Residential Tenancy Act* states that the *Act* does not apply to tenancies where the tenant shares kitchen or bathroom facilities with the owner. Therefore, I find that the Residential Tenancy Branch has no jurisdiction in this matter. The claim must be brought by way of Small Claims Court in the Provincial Court of British Columbia, and I dismiss the tenant's application.

Conclusion

For the reasons set out above, the tenant's application is hereby 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: March 24, 2015

Residential Tenancy Branch

