



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, FF, O

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the Act) for:

- a monetary order for compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67;
- authorization to recover his filing fee for this application from the landlord pursuant to section 72; and
- an "other remedy".

Both the tenant and the landlord appeared. Neither party raised any issue with service.

Preliminary Issue – Jurisdiction

The tenant testified that he lived in a room in the lower level of the landlord's house. The tenant said that he used the shared kitchen microwave. The parties agree that the tenant and landlord shared kitchen facilities. The landlord testified that he owns the home. I find on the evidence before me that the landlord is the owner of the rental unit and that he and the tenant shared kitchen facilities during this tenancy.

Paragraph 4(c) of the Act excludes jurisdiction over disputes in relation to living accommodations in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation. On the basis paragraph 4(c) of the Act, I decline jurisdiction over this matter.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under subsection 9.1(1) of the Act.

Dated: April 22, 2015

Residential Tenancy Branch

