



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes O

Introduction

This is an application for a monetary order for return of rent.

The applicant(s) testified that the respondent was served with notice of the hearing by registered mail that was mailed on September 30, 2014; however the respondent did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the respondent has been properly served with notice of the hearing.

I therefore conducted the hearing in the respondent's absence.

All testimony was taken under affirmation.

Issue(s) to be Decided

The issue is whether or not the applicant has established a claim against the respondent for the return of rent.

Decision in reasons

It's my finding that the Residential Tenancy Act does not have jurisdiction over this claim, because the applicant testified that she was only renting a room in the rental

property and shared the house, including the kitchen and bathroom, with the owner/landlord.

Section 4(c) of the Residential Tenancy Act states:

4 This Act does not apply to

(c) living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation.

Conclusion

I declined jurisdiction over this claim.

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: April 28, 2015

Residential Tenancy Branch

