



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNSD, FF

Introduction

This hearing was convened in response to an application by the tenant for a Monetary Order for the return of their security deposit and to recover the filing fee.

I accept the tenant's evidence that despite the landlord having been served with the application for dispute resolution and notice of hearing by *registered mail* in accordance with Section 89 of the Residential Tenancy Act (the Act) the landlord did not participate in the conference call hearing.

Preliminary matters

During the course of the hearing the tenant's agent testified the rental unit consisted of a furnished room / bedroom in a condominium apartment and that the tenant and the landlord of this matter shared the washroom facilities and the kitchen of the living accommodation. The tenant's agent testified they were confident the landlord was the owner of the accommodation / apartment.

Analysis

Section 4 of the *Residential Tenancy Act* (the Act), in part, states as follows;

What this Act does not apply to

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,

Based on the testimony of the tenant, I find that during this tenancy the tenant shared the bathroom and kitchen with the owner of the rental unit and as a result I find **I must decline jurisdiction**, and **I dismiss** the tenant's application for a Monetary Order. The tenant was made aware it is available to them to seek resolution of issues related to this tenancy by way of an application to the Courts.

Conclusion

I do not have jurisdiction under the Residential Tenancy Act to hear this application.

The tenant's application **is dismissed**, without leave to reapply.

This Decision is final and binding on both parties.

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, 2015

Residential Tenancy Branch

