Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   MND, MNR, MNSD, MNDC, FF; MNSD, FF

Introduction

This hearing was convened in relation to the landlord's application pursuant to the *Residential Tenancy Act* (the Act) for:

- a monetary order for unpaid rent, for damage to the rental unit, and for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67;
- authorization to retain all or a portion of the tenant's security deposit in partial satisfaction of the monetary order requested pursuant to section 38; and
- authorization to recover her filing fee for this application from the tenant pursuant to section 72.

This hearing was also convened in relation to the tenant's application pursuant to the Act for:

- authorization to obtain a return of all or a portion of his security deposit pursuant to section 38; and
- authorization to recover his filing fee for this application from the landlord pursuant to section 72.

Preliminary Issue – Jurisdiction

This tenancy concerned a room rental. The parties both agreed that the tenant and landlord shared a kitchen. The landlord owns the residential property.

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. I informed the parties of this outcome at the scheduled hearing.

This determination regarding jurisdiction is not a decision on the merits of the parties' claims. Nothing in this decision prevents either party from advancing his or her claim before a body of competent jurisdiction.

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: October 01, 2015

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Residential Tenancy Branch