



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MNSD, FF

Introduction

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. A Monetary Order for compensation - Section 67;
2. An Order for the return of the security deposit - Section 38; and
3. An Order to recover the filing fee for this application - Section 72.

The Landlord and Tenant were each given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Does the Act apply to the Parties dispute?

Background and Evidence

The Parties agree that the Landlords own the unit, that the Tenants rent a bedroom in the unit and that the Landlords share the kitchen in the unit with the Tenants when the Landlords are at the condo. The Landlords have their own bedroom and bathroom in the unit and have stayed at the unit periodically and for as long as a week at a time during the tenancy that started on September 1, 2014.

Analysis

Section 4 of the Act provides that the Act does not apply to living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that

accommodation. Based on the undisputed evidence of the Parties I find that the Act does not apply to the dispute and I dismiss the application.

Conclusion

The application is 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: November 05, 2015

Residential Tenancy Branch

