



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

This hearing dealt with an Application for Dispute Resolution by the applicant filed under the Residential Tenancy Act, (the “Act”), for the return of double the security deposit.

Both parties appeared, gave affirmed testimony, and were provided the opportunity to present their evidence orally.

Preliminary matter

The first issue that I must decide is whether the Act has jurisdiction over the parties in order to proceed with this application.

The applicant testified that they rented a room from the owner of the property and they shared the common areas, including kitchen.

Section 4 of the Residential Tenancy Act defines what the Act does not apply to. The Act states, it does not apply to living accommodation, in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation,

I accept the evidence of the applicant that they entered into an agreement with the owner of the property to rent a room. However, the evidence supports that the Residential Tenancy Act does not apply in this case, as the applicant was sharing the kitchen facility with the owner of the accommodation. Therefore, I find that there is no jurisdiction to proceed with this application and I dismiss the application without leave to reapply.

Conclusion

I order that the application is dismissed without leave to reapply due to the lack of jurisdiction under the Act.

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 26, 2015

Residential Tenancy Branch

