



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, MNSD, FF

Introduction

This was an application for the recovery of a security deposit, and a monetary order for the overpayment of oil heating expenses and internet connection expenses. Only the applicant attended the hearing and presented written evidence. I found that the respondent was served by registered mail on September 4, 2015.

Issue(s) to be Decided

Is the applicant entitled to compensation or the return of her security deposit?

Background and Evidence

The applicant testified that she rented a room in a house from the respondent who owned the house, and shared a kitchen and bathroom with the respondent.

The applicant testified that she entered into a written tenancy agreement with the respondent for a tenancy commencing on December 15, 2015 with rent in the amount of \$ 450.00 and paid a security deposit amounting to \$ 225.00 at the beginning of the tenancy. The applicant moved out on May 31, 2015. The respondent returned \$ 147.00 from the security deposit to the applicant on June 4, 2015. The applicant did not consent to any deductions. The applicant claimed for recovery of double her security deposit less the amount received. The applicant also claimed for recovery of overpayment of her oil and internet bill.

Analysis

Section 4 (c) of the Act 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.

In this situation I find that as the applicant admitted to sharing a kitchen and a bathroom with the owner of the accommodation who is purportedly the landlord, I find that pursuant of section 4(c) of the Act I do not have jurisdiction over this matter.

Conclusion

I find that I do not have jurisdiction over this matter pursuant to section 4(c) of the Act. I have dismissed all of the applications herein. There will not be any recovery of the filing fee.

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: December 21, 2015

Residential Tenancy Branch

