



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes CNC, MNDC, MNSD, O, OLC, FF

### Introduction

This hearing dealt with an Application for Dispute Resolution seeking to cancel a notice to end tenancy and a monetary order.

The hearing was conducted via teleconference and was attended by the applicant and one of the named respondents.

At the outset of the hearing I clarified that the tenancy involved the applicant renting a room from the owner of the residential property. The applicant confirmed he shared the use of the kitchen with the respondents.

Section 4 of the *Residential Tenancy Act (Act)* states that the *Act* does not apply to, among other things, living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation.

The respondent also submitted that she felt that I had no jurisdiction in these matters specifically related the above noted exclusion under Section 4 of the *Act*. As a result, the respondent verbally sought compensation in the amount of \$500.00 for her wasted time to prepare and attend the hearing.

Based on the submissions of both parties I find the living arrangement between these parties is exempted from the *Act*.

### Issue(s) to be Decided

The issues to be decided are whether the applicant is entitled cancel a notice to end tenancy for cause; to a monetary order for return of rent; return of the security deposit and to recover the filing fee from the respondents for the cost of the Application for Dispute Resolution, pursuant to Sections 38, 47, 67, and 72 of the *Act*.

### Conclusion

As I have determined above that the living arrangement between these two parties is exempt from the *Act*, I decline to accept jurisdiction on the matters raised in the applicant's claim and the respondent's verbal request for compensation.

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: August 17, 2016

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Residential Tenancy Branch