



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDC

### Introduction

This is an application brought by the tenant requesting a monetary order in the amount of \$550.00.

A substantial amount of documentary evidence, photo evidence, and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all relevant submissions.

I also gave the parties the opportunity to give evidence orally.

The parties were affirmed.

### Issue(s) to be Decided

I first dealt with the matter of jurisdiction.

### Background and Evidence

The landlord testified that this was a rental property in which the common areas were shared, including the bathroom and kitchen, and they rented bedrooms rooms to 3 tenants.

The landlord further testified that they kept one of the bedrooms for landlord use and allowed their daughter to use that bedroom. The landlord further testified that they, the owners, also had the right to come and stay in the rental unit.

### Analysis

Section 4 of the Residential Tenancy Act states:

**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 case the owner has testified that they retained the use of one of the bedrooms of the rental property for their own use, and although it was generally used by their daughter, they did retain the right to stay in the rental property as well, at which time they would be sharing the bathroom and kitchen facilities.

Therefore, based on the information provided by the landlord, is my finding that the Residential Tenancy Act does not apply to these living accommodations.

### Conclusion

I declined jurisdiction over this claim and the parties will have to take the matter to small Claims Court if they wish to pursue this further.

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 06, 2016

---

Residential Tenancy Branch