



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MND MNSD MNDC FF

### Introduction and Analysis

This hearing was convened as a result of the applicant's Application for Dispute Resolution (the "Application") under the *Residential Tenancy Act* (the "Act"). The applicant has applied for a monetary order for damage to the unit, site or property, to retain all or part of the security deposit or pet damage deposit, for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement, and to recover the cost of the filing fee.

The applicant and the spouse of the applicant attended the teleconference hearing. The respondent did not attend the hearing. At the outset of the hearing, the applicant affirmed that the applicant and her spouse were the owners of the home and that they rented out a room in their home and that the respondent shared their kitchen. Section 4(c) of the *Act* applies and states:

### **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,**

[my emphasis added]

Based on the above, I find the *Act* does not apply to this living arrangement as I accept the undisputed testimony of the applicant who is co-owner of the home who was renting a room to someone that also shared their kitchen.

Based on the above, **I dismiss** this application due to lack of jurisdiction as the *Act* does not apply.

Conclusion

The application is dismissed due to lack of jurisdiction as per section 4(c) of the *Act*.

This decision is final and binding on the parties, unless otherwise provided under the *Act*, and 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: January 12, 2017

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Residential Tenancy Branch