



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD 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 the return of her security deposit or pet damage deposit, and to recover the cost of the filing fee.

The applicant and respondent attended the teleconference hearing. At the outset of the hearing, the applicant and respondent confirmed that the applicant rented out a room in the respondent's home, that the respondent shared the kitchen and that the respondent was the owner of the home. 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 testimony of the parties that the respondent was the owner of the home and who was renting a room in their home to the applicant and that they shared the kitchen together.

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: February 2, 2017

Residential Tenancy Branch