



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      mnsd, o

### Introduction

The tenant applies for the return of the tenant's security deposit. The tenant and the male landlord both attended the hearing and provided testimony. As a result of that testimony, it became there is a jurisdictional issue in this matter.

### Issue(s) to be Decided

Is this a tenancy to which the Residential Tenancy Act applies?

### Background and Evidence

The tenant moved into the premises September 1, 2016, and moved out October 14, 2016. Rent was \$500.00 per month, and a deposit of \$400.00 was paid. The tenant rented a bedroom from the landlords. The male landlord confirmed he is an owner of the house and also resides there. The kitchen and bathroom were common areas, shared by the tenant and the landlord.

### Analysis

Section 4(c) of the Residential Tenancy Act states that the Act does not apply to living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of the accommodation. The accommodation in question falls into this category, and I therefore have no jurisdiction over this dispute.

### Conclusion

Jurisdiction over this claim is denied

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: February 14, 2017

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Residential Tenancy Branch

