



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, OPC, MND, MNR, MNDC, MNSD

Introduction

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. A Monetary Order for unpaid rent - Section 67;
2. A Monetary Order for compensation for loss – Section 67;
3. An Order to retain the security deposit - Section 38; and
4. An Order to recover the filing fee for this application - Section 72.

The Respondent did not attend the hearing. I accept the Applicant’s evidence that the Respondent was served with the application for dispute resolution and notice of hearing (the “Materials”) in person on March 14, 2017 in accordance with Section 89 of the Act. The Applicant was given full opportunity to be heard, to present evidence and to make submissions. The Applicant states that the Respondent has moved out of the unit.

Issue(s) to be Decided

Does the Act apply to the dispute?

Background and Evidence

The Applicant and owner state that the Respondent rented rooms in a house from the Applicant that is co-owned by the Applicant and that the Respondent shared the bathroom and kitchen with the Applicant.

Analysis

Section 4 of the Act provides that the Act does not apply to living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation. Based on the undisputed evidence of the Applicant I find that the Act does not apply to the dispute and that there is therefore no jurisdiction to consider the claims in the application.

Conclusion

The Act does not apply to the dispute.

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: April 12, 2017

Residential Tenancy Branch