



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSD, FF

### Introduction

This is an application filed by the tenant requesting an order for return of a security deposit and recovery of his filing fee; however at the beginning of the conference call the applicant testified that he did not serve the notice of hearing on the respondent as he did not know he was required to.

The applicant further stated that he was renting a room in a property owned by the landlord, in which he shared both the bathroom and the kitchen with the owner.

### Decision in Reasons

First of all, section 4(c) 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,

Therefore, in this case, since the applicant has testified that he did share the bathroom and kitchen with the owner of the accommodation, the Residential Tenancy Act does not apply to this tenancy, and I must therefore decline jurisdiction over this matter.

Secondly, even if the Residential Tenancy Act did have jurisdiction, I could not have proceeded with the hearing, as the tenant failed to serve the respondent with notice of the hearing, as required under section 59(3) of the Residential Tenancy Act, which states:

**59 (3)** Except for an application referred to in subsection (6), a person who makes an application for dispute resolution must give a copy of the application to the other party within 3 days of making it, or within a different period specified by the director.

### Conclusion

The Residential Tenancy Act does not apply to this tenancy, and therefore I have declined jurisdiction over the matter.

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: June 27, 2017

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Residential Tenancy Branch