



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD

Introduction

On December 20, 2016, the Applicant submitted an Application for Dispute Resolution for the Respondent to return of all or part of the pet damage deposit or security deposit, and to recover the filing fee for the Application.

The Applicant appeared at the hearing; however, the Respondent did not. The Applicant provided affirmed testimony that he served the Respondent with the Notice of Hearing using Canada Post Registered Mail on December 21, 2016. The Applicant provided the Registered Mail receipt number as proof of service.

I find that that the Notice of Hearing was served to the Respondent in accordance with sections 89 and 90 of the *Residential Tenancy Act* (‘the Act’).

The hearing process was explained and the Applicant was asked if he had any questions. The Applicant provided affirmed testimony and was provided the opportunity to present his evidence orally and in written and documentary form, and make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Preliminary and Procedural Matters

Section 4 of the Act states that the Act does not apply to living accommodation in which the Tenant shares bathroom or kitchen facilities with the owner of that accommodation.

The Applicant testified that he rented a room in a house that he shared with the Respondent. He testified that he shared the bathroom and the kitchen of the house with the Respondent. The Applicant provided a copy of the tenancy agreement.

Based on the evidence before me and on a balance of probabilities, I find that the Act does not apply to the living arrangement and I do not have the authority to hear the Application.

The Application is dismissed.

Conclusion

Based on the evidence before me and on a balance of probabilities, I find that the Act does not apply to the living arrangement and I do not have the authority to hear the Application.

The Application is dismissed.

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 19, 2017

Residential Tenancy Branch