



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MNR, MNDC, OLC, RPP, FF, O

Introduction

This hearing was convened by way of conference call concerning an application made by the tenant seeking:

- a monetary order for return of all or part of the pet damage deposit or security deposit;
- a monetary order for the cost of emergency repairs;
- a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement;
- an order that the landlord comply with the *Act*, regulation or tenancy agreement;
- an order that the landlord return the tenant's personal property; and
- to recover the filing fee from the landlord for the cost of the application.

The tenant attended the hearing and gave affirmed testimony. However the line remained open while the phone system was monitored for 10 minutes prior to hearing any testimony and no one for the landlord joined the call. The tenant testified that the landlord was served with the Tenant's Application for Dispute Resolution and notice of this hearing by registered mail on September 17, 2017 and has provided a Canada Post cash register receipt bearing that date. The tenant also testified that the landlord refused to collect the registered mail and has provided a copy of a tracking print-out from Canada Post to verify that testimony. The *Residential Tenancy Act* states that a party who is served by registered mail is deemed to have been served 5 days after mailing, and I am satisfied in the evidence before me that the landlord has been served in accordance with the *Residential Tenancy Act*.

During the course of the hearing the tenant advised that the rental unit was a room in the landlord's home and the tenant shared kitchen and bathroom facilities with the landlord and the landlord's family, and the landlord is the owner of the rental property.

Analysis

The *Residential Tenancy Act* does not apply to tenancies where a tenant shares kitchen or bathroom facilities with the owner of the rental property. Therefore, I have no jurisdiction to hear or make any decisions or findings with respect to the merits of this matter, and the Provincial Court of British Columbia, Small Claims Division has jurisdiction.

Conclusion

For the reasons set out above, I decline jurisdiction with respect to the tenant's application.

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: December 06, 2017

Residential Tenancy Branch