



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      FF MNSD RPP

### Introduction

This hearing was convened in response to an application from the tenant pursuant to the *Residential Tenancy Act* ("Act") for:

- a return of personal property pursuant to section 65 of the *Act*;
- a return of the filing fee pursuant to section 72 of the *Act*; and
- an order directing the landlords to return the security deposit pursuant to section 38 of the *Act*.

Landlord N.M. and the tenant appeared at the hearing. Due to a hearing issue, the landlord was assisted at the hearing by his neighbour L.G. The parties were given a full opportunity to be heard, to present testimony, to make submissions, and to call witnesses.

### Preliminary Issue –Jurisdiction

Following opening remarks the tenant questioned the standing of the *Residential Tenancy Act* in relation to his matter. Both the landlord and the tenant acknowledged that this accommodation consisted of a home that was also occupied by the landlords who shared kitchen and bathroom facilities with the tenant. The landlord's assistant, L.G. confirmed that the parties to the dispute shared these facilities.

Section 4 of the *Act* notes;

**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

I find that the *Act* does not apply to this matter and I have no jurisdiction to make a decision on this matter because the oral testimony presented shows that the tenant shares bathroom and kitchen facilities with the landlords.

Conclusion

I decline to rule on this matter as I have no jurisdiction to consider this 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: February 9, 2018

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Residential Tenancy Branch