



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT, FFT

Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution filed by the Applicant on April 17, 2018. The Applicant applied for compensation for monetary loss or other money owed. The Applicant also sought reimbursement for the filing fee.

The Applicant appeared at the hearing. The Representative for the Applicant appeared at the hearing late and exited the conference prior to it ending. The Respondent appeared at the hearing. C.G. is the Respondent's son and appeared at the hearing to assist the Respondent given a language barrier. Y.G. appeared at the hearing. C.G. said Y.G. is a co-owner of the rental unit with the Respondent.

At the outset of the hearing, C.G. advised that the Respondent is a co-owner of the rental unit with Y.G. and that the Respondent lived in the rental unit with the Applicant. C.G. said the Respondent and Applicant shared a kitchen when the Applicant lived at the rental unit. The Applicant did not dispute this.

Section 4(c) of the *Residential Tenancy Act* (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". Here, the Applicant and Respondent did share a kitchen and the Respondent is a co-owner of the rental unit. Therefore, the *Act* does not apply and I have no jurisdiction to decide this matter.

I explained the above to the parties numerous times. The Applicant had the Representative call into the conference late and I explained the above to him. I explained to the Applicant that it is not my role to provide advice regarding what she can or should do from here. I did tell the parties that this is a matter the Civil Resolution Tribunal may deal with. I also told the Applicant she could call the Residential Tenancy

Branch and speak to an Information Officer for further information or assistance if required.

Conclusion

Pursuant to section 4(c) of the *Act*, the *Act* does not apply and I have no jurisdiction to decide this 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 *Act*.

Dated: June 08, 2018

Residential Tenancy Branch