



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes MNDC

### Introduction

This hearing was scheduled to deal with a tenant's Application for a Monetary Order for damages or loss under the Residential Tenancy Act ("the Act"), its Regulations or tenancy agreement. Both parties appeared or were represented at the hearing and were provided the opportunity to make relevant submissions, in writing and orally pursuant to the Rules of Procedure, and to respond to the submissions of the other party.

At the outset of the hearing, I determined that it was necessary to determine whether the Act applies to the subject living accommodation.

Section 2 of the Act applies to tenancy agreements between a landlord and a tenant with respect to a tenant's possession of a rental unit in a residential property. However, section 4 of the Act provides for exemptions from the Act for certain living accommodation. Section 4 provides that the Act does not apply to:

(c) living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation,

I was provided undisputed testimony from both parties that the respondent is the owner of the property and the owner and the tenant shared a kitchen in the residential property. Based on these undisputed submissions, I found the subject living accommodation is exempt from the Act pursuant to section 4(c) and I declined to accept jurisdiction to resolve this dispute.

The parties were informed that they remain at liberty to resolve their dispute(s) in the appropriate forum such as the Civil Resolution Tribunal or Small Claims court.

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 21, 2018

---

Residential Tenancy Branch