



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MNDC, FF

Introduction

This hearing was convened in response to an application by the Tenants pursuant to the Residential Tenancy Act (the “Act”) for Orders as follows:

1. A Monetary Order for compensation - Section 67;
2. An Order for the return of the security deposit - Section 38; and
3. An Order to recover the filing fee for this application - Section 72.

The Landlord and Tenant were each given full opportunity under oath to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Does the Act apply to the dispute?

Background and Evidence

The Parties agree that the Landlords own the house containing the room that was rented to the Tenants and that the Tenants shared the kitchen and bathroom with the Landlords.

Analysis

Section 4(c) of the Act provides that the Act does not apply to living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation. Based on the undisputed evidence that the Tenants shared the

bathroom and kitchen with the owners of the house containing the Tenants' room, I find that the Act does not apply to this living accommodation and I dismiss the application.

Conclusion

The Act does not apply and 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: August 21, 2018

Residential Tenancy Branch