



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDLS, FFL

Introduction and Analysis

This hearing was convened as a result of the applicant's Application for Dispute Resolution ("application") seeking remedy under the *Residential Tenancy Act* ("Act"). The applicant has applied for a monetary order for \$35,000.00 for damages to the unit, site or property and for the recovery of the cost of the filing fee.

The applicant, the respondent and an agent for the respondent ("agent") attended the teleconference hearing. During the hearing, the applicant and respondent did not dispute that the applicant owns the rental property and occupies the master bedroom. The applicant testified that he rents three of the bedrooms under separate tenancy agreements. Section 4(c) of the *Act* applies and states:

What this Act does not apply to

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,

[My emphasis added]

Based on the above, I find the *Act* does not apply to this living arrangement as I accept the testimony of the applicant that the applicant occupies the master bedroom of the condominium and rents three bedrooms out under three different tenancy agreements. While the applicant stated he was on holidays when a flood occurred, I find that this does not change his residence and that he still occupied the master bedroom even when away on holidays. Based on the above, **I dismiss** this application due to lack of jurisdiction as the *Act* does not apply.

Conclusion

The application is dismissed due to lack of jurisdiction as per section 4(c) of the *Act*.

The parties confirmed their understanding that the decision would be emailed to the parties at the email addresses confirmed during the hearing.

I do not grant the filing fee as the *Act* does not apply to this living arrangement.

This decision is final and binding on the parties, unless otherwise provided under the *Act*, and 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: October 19, 2018

Residential Tenancy Branch