



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNDC

### Introduction

This hearing was convened in response to an application by the Tenant for a monetary order for compensation pursuant to section 67 of the *Residential Tenancy Act* (the “Act”).

The Landlord did not attend the hearing. I accept the Tenant’s evidence that the Landlord was served with the application for dispute resolution and notice of hearing in person on May 7, 2018 in accordance with Section 89 of the Act. The Tenant was given full opportunity 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 Tenant states that they rented an upper unit of a house from the Landlord and the Landlord was to move into the basement suite. The Tenant states that despite this agreement the Landlord never did move to the basement suite and instead used the laundry room in the upper unit for a bedroom. The Tenant states that during the tenancy the Parties shared the kitchen and bathroom. The Tenant states that the Landlord is the owner of the house containing the upper unit and basement suite.

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 Tenant's evidence that she lived in a unit where she shared the bathroom or kitchen facilities with the Landlord I find that the Act does not apply to the living accommodation. As a result the dispute cannot be determined under the Act and the application is dismissed.

Conclusion

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: November 01, 2018

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Residential Tenancy Branch