



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD

Introduction

This teleconference hearing was scheduled in response to an application under the *Residential Tenancy Act* (the “*Act*”) for the return of a security deposit.

The respondent was present for the teleconference hearing, while no one called in for the applicants during the 10 minutes that the phone line remained open.

The respondent confirmed receipt of the Notice of Dispute Resolution Proceeding package and a copy of the applicants’ evidence. The respondent did not submit any evidence prior to the hearing.

The respondent was affirmed to be truthful in his testimony.

Preliminary Matter – Jurisdiction

At the outset of the hearing, the respondent stated that he owns the home that the applicants resided in for five years. He remained living in the home during the time the applicants rented one of the bedrooms and shared the facilities of the home including the bathroom and kitchen. As such, jurisdiction over this matter was considered.

I refer to Section 4(c) of the *Act* which states that the *Residential Tenancy Act* does not apply to:

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

I accept the affirmed testimony of the respondent that he is the owner of the home and that the parties shared the residence during the time the applicants resided there. Accordingly, I find that Section 4(c) of the *Act* is relevant and therefore the *Act* does not apply to this matter. I decline jurisdiction.

Conclusion

The *Residential Tenancy Act* does not apply to this matter and therefore I decline jurisdiction.

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: January 2, 2019

Residential Tenancy Branch