



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FFT

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- a Monetary Order for the return of the security deposit, pursuant to sections 38 and 67; and
- authorization to recover the filing fee for this application from the landlord, pursuant to section 72.

Both parties attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

The tenant testified that she served the landlord with her notice of application for dispute resolution via registered mail sometime in September of 2018 but could not recall on what date. The landlord testified that she received the tenant's notice of application for dispute resolution via registered mail sometime in September of 2018 but could not recall on what date. I find that the landlord was served with the notice of application for dispute resolution in accordance with section 89 of the *Act*.

Preliminary Issue- Jurisdiction

Section 4(c) of the *Act* states that this *Act* does not apply to living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation.

Both parties testified that they shared a kitchen and bathroom. Therefore, pursuant to section 4(c) of the *Act*, I find that I do not have jurisdiction to hear this matter.

Conclusion

I dismiss the tenant's application without leave to reapply.

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 18, 2019

Residential Tenancy Branch