



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDC,

### Introduction

On September 18, 2018, The Tenant applied for Dispute Resolution seeking a monetary order for money owed or compensation for damage or loss under the *Act*.

The matter was scheduled as a teleconference hearing. The Tenant appeared at the hearing; however, the Landlord did not.

### Preliminary and Procedural Matters

The Applicant testified that he did not serve the Notice of Dispute Resolution proceeding documents to the Landlord / Respondent. I find that the Landlord was never served with the Notice of Dispute Resolution proceeding documents.

The Tenant also testified that the living arrangement was a homestay arrangement where he paid for room and board and paid a guardian fee. He testified that he shared the kitchen and bathroom with the Landlord.

Section 4 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.

### Analysis

I find that the Applicant failed to serve the Respondent. The Respondent has not received notice of the hearing and has not had an opportunity to respond. Therefore the application is dismissed.

I also find that the Applicant was sharing a kitchen and bathroom with the owner of the home, and therefore, the Act does not apply to the living arrangement.

Conclusion

The Tenant's application for a monetary order for money owed or damage or loss under the Act is dismissed 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 21, 2019

---

Residential Tenancy Branch