



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSD, FFT

### Introduction

On October 1, 2018, The Tenant applied for Dispute Resolution seeking a monetary order for the return of the security deposit and/ or pet damage deposit.

The matter was scheduled as a teleconference hearing. The Tenant and the Landlord appeared at the hearing.

### Preliminary and Procedural Matters

The Landlord and Tenant testified that the tenancy started on September 1, 2018. The parties testified that the rental unit is a two bedroom and two bathroom condo.

The parties testified that the Tenant had her own room and shared the bathroom and kitchen with the Landlord. The Tenant testified that she was not comfortable living there so she moved out of the unit after two days.

The Tenant is seeking the return of a \$390.00 deposit that she paid to the Landlord.

The Landlord testified that the Tenant was her roommate.

### Analysis

Section 4 of the Act provides information on what living arrangements the Act does not apply to. The Act provides that it does not apply to:

- Living accommodation in which the Tenant shares bathroom or kitchen facilities with the owner of that accommodation.

I 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.

Since there is no jurisdiction to hear the dispute, the Tenant's application is dismissed in its entirety.

### Conclusion

The Act does not apply to living arrangements where the Tenant was sharing a kitchen or bathroom with the owner of the home.

Since I find that the Applicant was sharing a kitchen and bathroom with the owner of the home, the Tenant's application for the return of a security deposit 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 28, 2019

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Residential Tenancy Branch