



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNDCT RPP

### Introduction

This hearing dealt with the applicant's request pursuant to the *Residential Tenancy Act* (the "Act") for:

- a monetary order for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67; and,
- an order requiring the landlord to return the tenant's personal property pursuant to section 65.

The applicant attended the hearing and was given an opportunity to provide affirmed testimony. The respondent did not attend the hearing. I kept the teleconference line open for the duration of the hearing to allow the respondent the opportunity to call. The teleconference system indicated only the applicant and I had called into the hearing. I confirmed the correct participant code was provided to the respondent.

The applicant testified that she had an agreement with the respondent regarding the occupation of bedroom in the respondent's house. The applicant testified that the respondent was the owner of the house and there were three bedrooms upstairs and separate rental suite downstairs. The applicant testified that she occupied a single bedroom in the upstairs portion of the house. The applicant testified that the respondent also lived in the house and that he occupied the other two bedrooms. The applicant testified that she had the exclusive use of a bathroom but she shared the kitchen with the owner.

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

Since this accommodation is outside of the *Act*, I have no jurisdiction to consider this matter.

The applicant must bear the cost of her own filing fee, as the *Act* does not apply.

Conclusion

I decline to rule on this matter as I have no jurisdiction to consider this application.

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: February 06, 2019

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Residential Tenancy Branch