



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD FFT

Introduction

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

- return of a security deposit pursuant to section 38 of the *Act*; and
- recovery of the filing fee for this application pursuant to section 72 of the *Act*.

Both parties attended the hearing. At the outset of the hearing, both parties confirmed that during the tenancy, both the tenant and the landlord resided in the rental unit and shared a bathroom and a kitchen in the rental unit. The landlord explained that the rental unit was an apartment consisting of two bedrooms, one bathroom, one kitchen and one living room.

As such, I advised the parties that given the circumstances and based on the undisputed testimony before me, I find that pursuant to section 4 of the *Act*, the *Act* does not apply to this rental arrangement. I therefore declined to hear the matter as I have no jurisdiction to render a decision in this matter.

Conclusion

I decline to hear 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: April 16, 2019

Residential Tenancy Branch