



# 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 for Dispute Resolution by the applicant seeking remedy under the Residential Tenancy Act (the “Act”) for a monetary order for a return of her security deposit and to recover the cost of the filing fee.

The applicant and the respondent attended the teleconference hearing. The parties were affirmed and the hearing process was explained to the parties. The applicant and the respondent did not raise any concerns regarding the service of documentary evidence.

### Preliminary and Procedural Matters

The applicant and respondent confirmed their email addresses at the outset of the hearing. They also confirmed their understanding that the decision would be emailed to both the applicant and respondent.

### Issue(s) to be Decided

Does the Act apply to this dispute and do I have jurisdiction to decide this dispute?

If so, is the applicant entitled to monetary compensation and for recovery of her filing fee paid for this application?

### Background and Evidence

The respondent testified that he is the owner of the residential property and that he and the applicant shared bathroom and kitchen facilities.

The applicant confirmed that she had her own bedroom and shared the same kitchen and bathroom with the respondent. The applicant stated that she kept her room as well as the kitchen and bathroom clean and tidy. She said she did not understand how a security deposit could be collected and not have it returned if there was no damage to the rental unit.

### Analysis

Section 4 (c) of the Act states that the Act does not apply to living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation. In this case, the applicant confirmed that she shared the kitchen facility and bathroom with the respondent, who was the owner, during the tenancy.

In light of the above, I find that the living accommodation meets the above criteria for exclusion under the Act, and I therefore decline to find jurisdiction to resolve this dispute.

The applicant is at liberty to seek the appropriate legal remedy to this dispute.

### Conclusion

I find the Residential Tenancy Act does not apply to this dispute and I have declined jurisdiction.

I do not grant the filing fee as a result.

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: June 18, 2019

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Residential Tenancy Branch