



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FFL, MNDCL-S, MNRL-S

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act*, seeking a monetary order for unpaid rent and compensation for loss or damage under the Act. The landlord testified that the tenant was personally served on April 5, 2019 with the notice of hearing package and application, accordingly; I proceeded and completed the hearing on that basis.

Issues to be Decided

Is the landlord entitled to a monetary order as claimed?

Background and Evidence

The rental unit consists of a room in a home that houses other tenants. The landlord who is also the owner of the home occupies one of the rooms. The owner shares a kitchen with the tenant.

Analysis

Based on the above facts I find that the owner and tenant occupy different rooms in the home and share the kitchen. Section 4 of the *Residential Tenancy Act*, addresses what the *Act* does not apply to. It 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

Conclusion

The circumstances of the dispute do not fall within the jurisdiction of the *Act*, and the application must therefore be dismissed. The landlord is at liberty to pursue other remedies under common law.

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: July 04, 2019

Residential Tenancy Branch