



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD

Introduction

This hearing dealt with an application pursuant to the *Residential Tenancy Act* (the “Act”) for an order for the return of a security deposit or pet damage deposit pursuant to section 38.

Both the applicant and the respondent attended the hearing and were duly affirmed. The respondent acknowledged receipt of the applicant’s application for dispute resolution and advised she had no issues related to timely service of documents.

Preliminary Issue

The respondent testified that the ‘rental unit’ in dispute is a room in a house that she owns. The house has four (4) rooms. One is her own, the other three (3) rooms she rents out to occupants who pay her rent. There are two (2) bathrooms, one upstairs and one downstairs which is used by all occupants of the house. There is a single kitchen that everybody uses.

The applicant testified that she didn’t always cook upstairs, she mostly used the fridge downstairs and the toaster oven downstairs. She did not deny she had full access to the entire house that was shared with the homeowner.

Analysis

Section 4(c) of the Act does apply to living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation. As the *Residential Tenancy Act* does not apply to this living accommodation, I decline jurisdiction to resolve this dispute.

Conclusion

The director declines to resolve this dispute as the *Residential Tenancy Act* does not apply to this living accommodation.

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: August 06, 2019

Residential Tenancy Branch