



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNSD, FFT

### Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution ("Application") under the *Residential Tenancy Act* ("Act") for a monetary claim of \$473.75 for the recovery of double the amount of her security deposit, and for recovery the \$100.00 Application filing fee.

The Tenant and the Landlord appeared at the teleconference hearing and gave affirmed testimony. I explained the hearing process to the Parties and gave them an opportunity to ask questions about the hearing process.

The Parties provided their email addresses at the outset of the hearing and confirmed their understanding that the Decision would be emailed to both Parties.

During the initial stages of the hearing, the Landlord advised that she is the owner of the residential property. She testified that the Tenant shared the kitchen with the Landlord, while the Tenant lived in a basement suite of the Landlord's accommodation. The Parties agreed that the Tenant had her own bathroom, but that the Landlord agreed to let the Tenant use the upstairs kitchen facilities, which were also used by the Landlord.

I advised the Parties that pursuant to section 4(c) of the Act, I do not have the jurisdiction to decide this matter on their behalf. Section 4(c) 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". This accommodation is outside of the Act, and therefore, 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 to this situation.

Conclusion

I decline to rule on this matter as I have no jurisdiction to consider this Application. The Parties were referred to the Civil Resolution Tribunal for assistance in resolving their dispute.

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: September 09, 2019

---

Residential Tenancy Branch