



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the Applicant for the return of the security deposit and to recover the filing fee.

Both parties appeared, gave testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions at the hearing.

Preliminary and Procedural matters

The first issue I must determine is whether the Residential Tenancy Act applies to this matter.

The Respondent testified that they rented a room to the Applicant. The Respondent stated that they lived in the premises and rented out four rooms, which one was rented to the Applicant. The Respondent stated this was a shared accommodation, kitchen and bathroom, and the Act does not apply.

Filed in evidence is a copy of the tenancy agreement, showing a room was rented and the service address for the Respondent was the premise. Filed in evidence are utility invoice and property tax statement.

The Applicant testified that the landlord did not live at the premises. That the Respondents brother was there as well as other renters. The Applicant stated that they only saw the Respondent a few times and that the Respondent did stay at the premise from time to time.

The Respondent testified that their brother does live in the premises and that they share one room with two separate beds. The Respondent stated they were at the premise all the time and they do not understand why the Applicant is saying they were not.

In this case, I am not satisfied that I have jurisdiction over this matter. The agreement signed by the parties shows the Respondent's address for service is that of the premise where the Applicant was residing. Even, if I accept the Applicants position that the Respondent was not at the premises on a regular basis, I am satisfied that the Respondent had for there own use a bedroom, which shared the kitchen and bathroom with the other occupants. Therefore, I decline to hear the matter due to lack of jurisdiction.

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 20, 2019

Residential Tenancy Branch