



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT RPP

Introduction

This hearing dealt with an application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an order for the return of personal property pursuant to section 65 of the *Act*; and
- a monetary order for compensation for damage or loss pursuant to section 67 of the *Act*.

Preliminary Issue – Jurisdiction

The tenant's mother attended the hearing acting on behalf of the tenant as agent. The landlord also attended. At the outset of the hearing, the landlord stated that she was the owner of the rental property, which consisted of a house, that she resided in the rental property and had full use of the kitchen and bathrooms shared by all the occupants of the house. The tenant's agent confirmed that the kitchen was shared by all the occupants of the house, including the landlord.

Section 4(c) of the *Act* reads in part as follows:

This Act does not apply to...

(c) living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation,...

As such, I advised the parties that given the circumstances and based on the testimony before me, I find that pursuant to section 4 of the *Act*, the *Act* does not apply to this rental arrangement. I therefore declined to hear the matter as I have no jurisdiction to render a decision in this matter.

Conclusion

I decline to hear this matter as I have no jurisdiction to consider this application.

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: October 11, 2019

Residential Tenancy Branch