



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD FFT

Introduction and Analysis

This hearing was convened as a result of the applicant's Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (the Act). The applicant has applied for a monetary order in the amount of \$800.00 for the return of double the security deposit, plus the filing fee.

The applicant and a support person for the applicant (support person) attended the teleconference hearing. The parties were affirmed. During the hearing, the applicant testified that they rented a room inside of a home that was owned by the landlord as far as they knew as the landlord stated that they had raised their kids there. In addition, the applicant testified that they shared a kitchen and a bathroom with the landlord. Section 4(c) of the Act applies and states:

What this Act does not apply to

4 This Act **does not** apply to

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

[Emphasis added]

Based on the above, I find the Act does not apply to this living arrangement as I accept the undisputed testimony of the applicant who testified that they rented a room in a home owned by the landlord and shared a kitchen and bathroom. In other words, there was no evidence presented to support that the landlord did not own the rental home.

Based on the above, I refuse jurisdiction to hear this dispute as I find the Act does not apply to this living arrangement.

As the Act does not apply, I do not grant the recovery of the filing fee.

Conclusion

The application has been refused due to lack of jurisdiction as per section 4(c) of the Act.

The filing fee is not granted to the applicant as the Act does not apply to this living arrangement.

This decision will be emailed to both parties as the applicant provided an email address for both parties.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: November 22, 2019

Residential Tenancy Branch