



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, MNSD, FF

Introduction

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. A Monetary Order for compensation - Section 67;
2. An Order for the return of the security deposit - Section 38; and
3. An Order to recover the filing fee for this application - Section 72.

The Tenant and Landlord were given full opportunity under oath to be heard, to present evidence and to make submissions. The Landlord confirms that its email is as provided by the Tenant in its application.

Issue(s) to be Decided

Does the Act apply to the dispute?

Background and Evidence

The following are agreed facts: The Tenant rented a room in a condo from the Landlord who also resided in the condo. The Landlord owns the condo and the Parties shared a bathroom and kitchen facilities with the Landlord during the tenancy.

Analysis

Section 4(c) of the Act provides that the Act does not apply to living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation. Based on the agreed facts that the living accommodation was one

where the Landlord was the owner and shared the bathroom and kitchen facilities with the Tenant, I find that the Act does apply to the dispute.

Conclusion

The Act does not apply to the 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 Act.

Dated: March 19, 2020

Residential Tenancy Branch