



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDL, FFL

Introduction

This hearing dealt with an Application for Dispute Resolution by the Applicant to cancel for a monetary order for damages to the unit and to recover the cost of the filing fee.

Both parties appeared.

Preliminary issue

The first issue that I must decide is whether the Act has jurisdiction over this matter in order to proceed with the application.

The application stated that they rented a room to the respondent. The applicant stated that they shared the kitchen facility with the respondent.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

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,

As the applicant rented a room to the respondent and shared the kitchen facility with the owner of that accommodation, I find I have no jurisdiction over this matter. Therefore, I decline to hear this matter due to lack of jurisdiction.

Conclusion

The applicant's application is dismissed for 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: April 20, 2020

Residential Tenancy Branch