



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      Landlord:    MNDC   MNSD   FF  
                         Tenant:        MNSD   FF

This hearing dealt with cross Applications for Dispute Resolution filed by the parties under the *Residential Tenancy Act* (the “*Act*”).

The Landlord’s Application was made on January 9, 2020 (the “Landlord’s Application”). The Landlord applied for the following relief pursuant to the *Act*:

- a monetary order for monetary loss or other money owed;
- an order allowing the Landlord to retain all or part of the security deposit or pet damage deposit; and
- an order granting recovery of the filing fee.

The Tenant’s Application was made on February 28, 2020 (the “Tenant’s Application”). The Tenant applied for the following relief pursuant to the *Act*:

- an order that the Landlord return all or part of the security deposit or pet damage deposit; and
- an order granting recovery of the filing fee.

The Landlord and the Tenant attended the hearing at the appointed date and time and provided affirmed testimony.

During the hearing, the parties agreed they lived together in a condominium owned by the Landlord from approximately August 1, 2019 to January 1, 2020. The condominium has two bedrooms, two bathrooms, and one kitchen. During the period the parties lived in the condominium, the Tenant paid rent in the amount of \$1,000.00 per month. The Tenant also paid a security deposit in the amount of \$500.00.

Section 4(c) of the *Act* confirms the *Act* does not apply to living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation. In this case, I find that the parties both lived in a condominium owned by the Landlord and shared kitchen facilities. Accordingly, the Landlord's Application and the Tenant's Application are 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: June 4, 2020

---

Residential Tenancy Branch