



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD

Introduction and Analysis

This Review 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 \$400.00 for the return of their security deposit.

On April 23, 2020, an arbitrator issued a decision granting the tenant a monetary order, which was suspended based on a May 14, 2020 Review Consideration decision, which resulted in this Review Hearing this date, June 15, 2020. The original decision dated April 23, 2020, and the Review Consideration decision dated May 14, 2020, should be read in conjunction with this decision.

The applicant and the respondent attended the Review Hearing teleconference hearing this date, June 15, 2020. The parties were affirmed. During the hearing, the applicant testified that they rented a room inside of a home that was owned by the respondent. The respondent confirmed that they owned the home and that they shared a kitchen and bathroom with the applicant. 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 parties who testified that the applicant rented a room in a home owned by the respondent and they shared a kitchen and bathroom.

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.

Pursuant to section 82(3) of the Act, I set aside the original decision dated April 23, 2020 and, in its place, I render this decision refusing jurisdiction. The original decision and monetary order are of no force or effect as a result.

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 as a result.

The original decision dated April 23, 2020 is set aside and is of no force or effect.

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 at the email addresses confirmed by the parties during the hearing.

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: June 15, 2020

Residential Tenancy Branch