



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSDS-DR, FFT

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. An Order for the return of the security deposit - Section 38; and
2. An Order to recover the filing fee for this application - Section 72.

The Landlord and Tenant were each given full opportunity under oath to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Does the Act apply to the dispute?

Background and Evidence

The following are agreed facts: the tenancy was for accommodation in the Landlord’s owned unit with the owner living in the unit and with the Tenant sharing the bathroom with the Landlord in the unit. The Tenant also shared the kitchen with the Landlord for a period of time.

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 I find that the Act does not 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: July 20, 2020

Residential Tenancy Branch