



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT, RPP

This hearing dealt with the applicant's ("TB") application pursuant to the *Residential Tenancy Act* (the "**Act**") for:

- an order requiring the respondent ("MW") to return her personal property pursuant to section 65; and
- a monetary order for compensation for damage or loss under the Act, regulation or tenancy agreement in the amount of \$900 pursuant to section 67.

Both parties attended the hearing and were each given a full opportunity to make submissions.

At the outset of the hearing, TB advised me that she rented the basement of a single detached house from MW. MW owns the house and lives on the upper level. TB testified that the basement did not have a kitchen or bathroom, so she shared the upstairs kitchen and bathroom with MW.

Section 4 of the Act 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,

In the present case, TB shares both of these facilities with MW. As such, the Act does not apply to their living arrangement. Accordingly, I have no jurisdiction to adjudicate this matter.

I dismiss the tenant's application without leave to reapply.

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: July 27, 2020

Residential Tenancy Branch