



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT, MNRT, RPP

Introduction

This hearing was convened as a result of the Applicant's Application for Dispute Resolution ("Application") under the *Residential Tenancy Act* ("Act") for a monetary order for damage or compensation under the Act in the amount of \$10,000.00; and a monetary order for the cost of emergency repairs in the amount of \$8,000.00; and an order for the Respondent to return the Applicant's personal property.

The Applicant appeared at the teleconference hearing, but the Respondent did not attend. The teleconference phone line remained open for over ten minutes and was monitored throughout this time. The only person to call into the hearing was the Applicant, who indicated that he was ready to proceed. I confirmed that the teleconference codes provided to the Parties were correct and that the only person on the call, besides me, was the Applicant.

The Applicant provided the Parties' email addresses in the hearing, and confirmed his understanding that the Decision would be emailed to both Parties.

During the initial stages of the hearing, the Applicant advised that he shared the kitchen with the Respondent, as the Applicant rented a room in his father's house.

I advised the Applicant that pursuant to section 4(c) of the Act, I do not have the jurisdiction to decide this matter on his behalf. Section 4(c) states that the Act *does not apply* to "...living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation". I find that this accommodation is outside of the Act, and therefore, I have no jurisdiction to consider this matter.

The Applicant is directed to contact the Civil Resolution Tribunal (1-844-322-2292) to see if they have a sufficient monetary limit to address his issues; alternatively, the Applicant may wish to contact the Provincial Court, Small Claims Division, for restitution in this matter.

Conclusion

I decline to rule on this matter, as I have no jurisdiction to consider this Application. The Applicant was referred to the Civil Resolution Tribunal for assistance in resolving his 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 *Residential Tenancy Act*.

Dated: September 25, 2020

Residential Tenancy Branch