



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      FFT, MNDCT, RPP

### Introduction

This hearing was convened as a result of the Applicant's Application for Dispute Resolution (the "Application") under the *Residential Tenancy Act* (the "Act"), made on August 25, 2020. The Applicant applied for an Order that the Respondent return the Applicant's personal property, a monetary order for damage or compensation, as well as the return of the filing fee.

The Applicant, the Applicant's Interpreter, and the Respondent's Counsel attended the hearing at the appointed date and time.

### Preliminary Matters

At the start of the hearing, the parties confirmed that a previous hearing took place in which the previous Arbitrator found that the Tenancy Act does not apply to the living situation where the Applicant and the Respondent are family and share the rental property, including kitchen and bathroom facilities. The Applicant provided the previous number in her documentary evidence. The Respondent's Counsel further confirmed that the Respondent and the Applicant are related and shared the rental property including kitchen and bathroom facilities..

Section 4(c) of the *Act* confirms that the *Act* does not apply to living accommodation in which the Respondent shares bathroom or kitchen facilities with the Applicant. In this case, both parties testified that they shared common areas which included the kitchen as well as bathroom facilities.

Accordingly, pursuant to section 4(c) of the *Act*, I find the *Act* does not apply to the agreement between the parties. The Application is dismissed for lack of jurisdiction.

Conclusion

I decline to proceed due to a lack of jurisdiction, and the Application is dismissed without leave to reapply. The Applicant should seek legal advice from their lawyer as to how to resolve this 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: October 13, 2020

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Residential Tenancy Branch