



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** MNSD MNDCT

### **Introduction**

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

- a monetary order for compensation, or other money owed under the *Act*, regulation or tenancy agreement pursuant to section 67; and
- authorization to obtain a return of all or a portion of their security deposit pursuant to section 38.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another.

The landlord confirmed receipt of the tenant's dispute resolution application package ('Application'). In accordance with sections 88 and 89 of the *Act*, I find that the landlord was duly served with the Application package.

### **Preliminary Matter: Does the Residential Tenancy Branch have jurisdiction to hear the dispute between the parties?**

Both parties provided sworn testimony that the applicant resided at the dispute address between May 1, 2020 and June 15, 2020. The applicant paid the landlord monthly rent in the amount of \$450.00. The landlord collected a security deposit in the amount of \$225.00.

Both parties confirmed that in exchange for the monthly rent, the tenant occupied his own bedroom, but shared the kitchen and bathroom in the home with the landlord and other occupants in the home.

## **Analysis**

Section 4(c) of the *Act* reads in part as follows:

- 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,...*

I find it undisputed by both parties that all the tenant shared a kitchen and bathroom with the landlord.

Under these circumstances and based on the evidence before me, I find that the *Act* does not apply to this tenancy. I therefore have no jurisdiction to render a decision in this matter.

## **Conclusion**

I decline to hear this matter as I have no jurisdiction to consider this application.

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: November 16, 2020

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Residential Tenancy Branch