



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDL-S, MNDCL-S, FFL

Introduction

This hearing dealt with the Applicant's Application for Dispute Resolution, made on November 3, 2020 (the "Application"). The Applicant applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- a monetary order for damage, compensation, or loss;
- an order to retain the security deposit; and
- an order granting recovery of the filing fee.

Preliminary Matters

The Applicant and the Respondent B.L. attended the hearing at the appointed date and time. The parties testified and agreed that the Applicant rented a portion of his home to the Respondents on February 15, 2020. The parties agreed that the Respondents were responsible for paying rent in the amount of \$1,500.00 a month to the Applicant. The parties agreed that the Respondents paid a security and pet damage deposit to the Applicant both in the amount of \$750.00 which the Applicant continues to hold. The parties agreed that the tenancy ended on August 31, 2020.

At the start of the hearing, both parties confirmed that the agreement at the start of the tenancy was that the Applicant and the Respondents shared the home. The parties agreed that the Applicant had the ability to attend the home and use the kitchen and washroom facilities which were shared between them. The Applicant also confirmed this agreement in their documentary evidence.

Section 4(c) of the *Act* confirms that the *Act* does not apply to living accommodation in which the owner shares bathroom or kitchen facilities with the Respondent. In this

Dated: February 19, 2021