



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Introduction and Preliminary Issue

The applicant filed an application for dispute resolution seeking the return of their security deposit pursuant to the *Residential Tenancy Act* ("Act"). Only the respondent and her representative attended the hearing.

The respondent raised jurisdiction as a preliminary issue. In their written submissions they cite section 4(c) of the Act which 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". Included in the written submissions was supporting documentary evidence establishing unequivocally that the applicant rented a room within a residential home. Residing in that home was the respondent, who is the owner of the home. The applicant shared the bathroom (there is only one bathroom in the home) and the kitchen with the respondent.

Given these facts, it is my finding that the applicant's application for the return of her security deposit does not fall under the jurisdiction of the Act. As such, the applicant's application is dismissed without leave to reapply.

Conclusion

The application is dismissed for want of jurisdiction.

This decision is made under delegated authority pursuant to section 9.1(1) of the Act.

Dated: January 10, 2022

Residential Tenancy Branch