



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNSDB-DR

### Introduction

Pursuant to section 58 of the Residential Tenancy Act (the Act), I was designated to hear an application regarding the above-noted tenancy. The tenant applied for an order for the landlord to return the security deposit, pursuant to section 38.

Both parties attended the hearing. All were given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

At the outset of the hearing the attending parties affirmed they understand it is prohibited to record this hearing.

At the outset of the hearing the landlord and the tenant agreed they shared the kitchen.

Section 4 of the Act provides:

This Act does not apply to  
(c) living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation,

Thus, pursuant to section 4 (c) of the Act, I have no jurisdiction to hear this application.

### Conclusion

I decline jurisdiction to consider the tenant's 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: April 01, 2022

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Residential Tenancy Branch