



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSDB-DR, FFT

This hearing was convened as a result of the Applicant's Application for Dispute Resolution ("Application") under the *Residential Tenancy Act* ("Act"), for an order for the return of her security and pet damage deposits that the Landlord is holding without cause; and to recover the \$100.00 cost of her Application filing fee.

The Applicant and the Respondent appeared at the teleconference hearing and gave affirmed testimony. I explained the hearing process to the Parties and gave them an opportunity to ask questions about the hearing process.

The Applicant provided the Parties' email addresses in her Application, and the Parties confirmed these in the hearing. They also confirmed their understanding that the Decision would be emailed to both Parties.

During the i hearing, the Respondent testified that he shared the kitchen and bathroom with the Applicant, while the Applicant lived in a room of the residential property.

I advised the Parties that pursuant to section 4 (c) of the Act, I do not have the jurisdiction to decide this matter on their behalf. Section 4 (c) 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". This accommodation is outside of the Act, and therefore, I have no jurisdiction to consider this matter.

The Applicant must bear the cost of her own filing fee, as the Act does not apply to this situation.

The Parties may wish to seek the assistance of the Civil Resolution Tribunal ("CRT") to resolve their dispute. The CRT may be reached at 1-844-322-2292. Please also review their website at <https://civilresolutionbc.ca/>

Conclusion

I decline to rule on this matter, as I have no jurisdiction to consider this Application. The Parties were referred to the Civil Resolution Tribunal for assistance in resolving their 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: July 25, 2022

Residential Tenancy Branch