



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FFT

Introduction

This hearing was convened as a result of the Applicant's application under the *Residential Tenancy Act* (the "Act") for:

- recovery of the Applicant's security deposit and/or pet damage deposit pursuant to section 38; and
- authorization to recover the filing fee for this application from the Respondent pursuant to section 72.

The Applicant and the Respondent attended this hearing.

Jurisdiction

During the hearing, the parties agreed that they had shared use of the Respondent's kitchen while the Applicant was living in the Respondent's property.

Section 4(c) of the Act states:

What this Act does not apply to

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, [...]

Residential Tenancy Policy Guideline 27. Jurisdiction ("Policy Guideline 27") also confirms that the director has no jurisdiction to resolve disputes between roommates. Policy Guideline 27 further states:

Depending on the particulars, the Civil Resolution Tribunal may have jurisdiction to resolve disputes between tenants and roommates. More information about the Civil Resolution Tribunal can be found at civilresolutionbc.ca

Based on the parties' testimonies and pursuant to section 4(c) of the Act, I conclude that the Act does not apply in the circumstances.

My authority is only with the Act, and since the Act does not apply, I decline jurisdiction to hear and decide any matters relating to this dispute.

Conclusion

Pursuant to section 62(1)(b) of the Act, I decline jurisdiction with respect to this 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: January 11, 2023

Residential Tenancy Branch