



# Dispute Resolution Services

Residential Tenancy Branch  
Ministry of Housing

## DECISION

### **Dispute Codes**      **MNDL-S, FFL**

This hearing dealt an application pursuant to the *Residential Tenancy Act* (Act) for:

- a monetary order for damage to the rental unit in the amount of \$2,695.98 pursuant to section 67; and
- authorization to recover the filing fee for this application from the respondent pursuant to section 72.

At the outset of the hearing, the applicant stated that she and the respondent both resided in the same single-detached house, and that she owns that house. She stated that she resides on the upper floor and the respondent resided in the basement. The parties shared the kitchen located on the main floor with the house. The respondent agreed.

Section 4 of the Act states that the Act does not apply to living accommodations where a tenant and the owner of the accommodation share a kitchen. As such, the contractual relationship between the parties does not fall within the Act's jurisdiction and I have no authority to adjudicate their dispute.

I decline to hear this 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 11, 2023

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Residential Tenancy Branch