



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Introduction

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

- a monetary order for damage to the rental unit pursuant to section 67;
- a monetary order for unpaid rent pursuant to section 67;
- a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 67;
- authorization to recover the filing fee for this application pursuant to section 72.

The hearing was conducted by conference call. Both the applicant and respondent attended the hearing.

Pre-liminary Issue

Do I have jurisdiction over this matter?

Background and Evidence

The parties confirmed that this living arrangement was shared accommodations. The respondent resided in the same unit as the applicant who is the owner of the property and the two of them shared kitchen facilities.

Analysis

Before making any finding on the merits of the claim, I must determine if I have jurisdiction under the Act over this matter.

Section 4(c) of the *Act* stipulates that the *Act* does not apply to:

(c) living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation,

The applicant confirmed that she was the owner of the rental unit and that she shared the kitchen facilities with the respondent. Therefore, I find that the Act does not apply to this living accommodation.

This application is dismissed without leave to reapply.

As the applicant was not successful in this application, I find that the applicant is not entitled to recover the \$100.00 filing fee paid for this application.

Conclusion

I find that I do not have jurisdiction over this matter.

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: May 03, 2023

Residential Tenancy Branch