



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **MNRL, FFL**

Introduction

This hearing dealt with an application pursuant to the *Residential Tenancy Act* (the *Act*) for a monetary award and a return of the filing fee.

The applicant provided a copy of their substituted service order granted by an adjudicator. This Order dated November 8, 2022, allows the applicant to serve the Notice of Dispute via email. I find the respondent was therefore served in accordance with the *Act*.

Issue(s) to be Decided

Is the applicant entitled to a monetary award?

Analysis

Following opening remarks, the applicant explained that the respondent had occupied the master bedroom of the property in question. When asked to provide further detail, the applicant stated the property was “her only home” and stated she shared the home with the respondent. The applicant confirmed she occupied another room on the same floor as the respondent and that the parties shared a bathroom, kitchen and living room.

I find that I have no standing to hear or rule on this matter.

Section 4 of the *Act* notes;

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,

When asked again, the applicant confirmed that this accommodation consisted of a master bedroom in a home that was shared. The applicant clearly stated the parties shared use of the kitchen and bathroom facilities.

I find that the *Act* does not apply to this matter and I have no jurisdiction to make a decision on this matter because the evidence presented shows that the parties share bathroom and kitchen facilities.

Conclusion

I decline to rule on this matter as I have no jurisdiction to consider 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: May 04, 2023

Residential Tenancy Branch