



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT, MNSD, FFT

Introduction

This hearing was scheduled to convene at 1:30 p.m. on September 21, 2023 concerning an application made by the tenant seeking a monetary order for money owed or compensation for damage or loss under the *Residential Tenancy Act*, regulation or tenancy agreement; a monetary order for return of all or part of the pet damage deposit or security deposit; and to recover the filing fee from the landlord for the cost of the application.

The tenant attended the hearing with another person introduced as the tenant's agent. The landlord also attended, who indicated that the *Residential Tenancy Act* does not apply because the tenant shared the kitchen with the landlord, who is the owner of the rental unit. The tenant indicated that he lived in the basement, but agreed that the tenant shared the kitchen with the landlord.

The *Residential Tenancy Act* 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. Since the parties agree that the tenant shared kitchen facilities with the owner, I decline jurisdiction to hear or decide on the application of the tenant.

Conclusion

For the reasons set out above, I decline jurisdiction with respect to the tenant's 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: September 21, 2023

Residential Tenancy Branch