



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes MNRL-S, FFL, MNSDB-DR, FFT

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* ("Act") for:

- a monetary order for unpaid rent and for money owed or compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* ("Regulation") or tenancy agreement, pursuant to section 67;
- authorization to retain the tenant's security deposit in partial satisfaction of the monetary order requested, pursuant to section 38; and
- authorization to recover the filing fee for its application from the tenant, pursuant to section 72.

This hearing also dealt with the tenant's cross-application pursuant to the *Act* for:

- authorization to obtain a return of double their security deposit pursuant to section 38; and
- authorization to recover the filing fee for its application from the landlord, pursuant to section 72.

This hearing was scheduled for a conference call at 1:30 p.m. Both parties participated in the teleconference. The parties both gave sworn testimony and confirmed that they shared a kitchen during this tenancy.

Analysis

Section 4 of the Act addresses the issue before me as follows:

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,

RC submits that the issues arose at the end of the tenancy however, both parties confirmed that during the tenancy, MJ shared a kitchen with RC who is the owner of the unit., accordingly; I do not have the jurisdiction to hear this matter.

Conclusion

I decline to exercise jurisdiction over the applicant's two applications.

I make no determination on the merits of the applicant's two applications.

Nothing in my decision prevents either party from advancing their claims before a Court of competent jurisdiction.

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: February 08, 2024

Residential Tenancy Branch