



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNSD

Introduction

This hearing dealt with the tenant's application for return of the security deposit and one-half the monthly rent for February 2009. Both parties appeared at the hearing and were provided the opportunity to be heard.

Issues(s) to be Decided

Does the *Residential Tenancy Act* apply to the living accommodation and do I have jurisdiction to resolve this dispute?

Background and Evidence

Upon hearing undisputed testimony, I make the following findings. Starting in April 2008 and ending in January 2009, the tenant rented a room from the landlord and shared the kitchen and bathroom with the landlord. The landlord is the owner of the residential property.

Analysis

Section 4 of the *Residential Tenancy Act* (the Act) provides that the Act does not apply to certain living accommodation, including:

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

Accordingly, the Act does not apply to the living accommodation that is the subject of this application and I do not have jurisdiction to resolve this dispute. This application is



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dismissed and the parties are at liberty to resolve this dispute in Provincial Court (Small Claims).

Conclusion

The *Residential Tenancy Act* does not apply in this case and I do not have jurisdiction to resolve the dispute.

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: June 18, 2009.

Dispute Resolution Officer