



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes**

Landlord: MNR, MNDC, MNSD, FF, SS  
Tenant: MNSD, FF

### **Introduction**

This hearing commenced by way of conference call on this date in response to applications filed by the landlord and by the tenant. The landlord has applied for a monetary order for unpaid rent or utilities; for a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement; for an order permitting the landlord to keep all or part of the pet damage deposit or security deposit; for an order permitting the landlord to serve documents in a different way than provided for in the *Residential Tenancy Act*; and to recover the filing fee from the tenant for the cost of this application. The tenant has applied for return of the security deposit and to recover the filing fee from the landlord for the cost of this application.

The parties both attended, gave affirmed testimony, and during the course of the hearing the parties agreed that the rental unit is a room within a residence owned by the landlord in which the tenant shared bathroom and kitchen facilities with the owner landlord.

Section 4 of the *Residential Tenancy Act* states, in part:

**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.

Since the parties agree that the tenant shared bathroom and kitchen facilities with the owner landlord, I must decline jurisdiction to hear or make any findings with respect to the merits of either application before me.

Conclusion

For the reasons set out above, the landlord's and the tenant's applications are both hereby dismissed without leave to reapply.

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 23, 2011.

---

Residential Tenancy Branch