



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, RPP

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the "Act") for Orders as follows:

1. A Monetary Order for damage or loss under the Act - Section 67; and
2. An Order for the Landlord to return the Tenant's personal property - Section 65.

I accept the Tenant's evidence that the Landlord was served with the application for dispute resolution and notice of hearing by registered mail in accordance with Section 89 of the Act. The Landlord did not participate in the conference call hearing. The Tenant was given full opportunity to be heard, to present evidence and to make submissions.

At the outset of the Hearing, the Tenant confirmed that the tenancy was accommodation with the Landlord in which the Tenant had a separate bedroom and bathroom but shared the kitchen with the Landlord who owns the unit. Section 4 of the Act provides that the Act does not apply to living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation. As the Tenant shared the kitchen with the Landlord/owner of the unit, the Act does not apply to the dispute involving this accommodation. Accordingly, I dismiss the application of the Tenant.

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: November 22, 2011.

Residential Tenancy Branch