



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes**      MNDCT, RPP, FFT, MNRT

### **Introduction**

This hearing dealt with an application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- a monetary order for compensation for loss or money owed under the *Act*, regulation or tenancy agreement pursuant to section 67;
- an order requiring the respondents to return the tenants' personal property pursuant to section 65; and
- authorization to recover the filing fee for this application from the respondents pursuant to section 72.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another. Both parties were clearly informed of the RTB Rules of Procedure about behaviour including Rule 6.10 about interruptions and inappropriate behaviour, and Rule 6.11 which prohibits the recording of a dispute resolution hearing. Both parties confirmed that they understood.

The respondents confirmed receipt of the application for dispute resolution ('application'). In accordance with section 89 of the *Act*, I find that the respondents duly served with the application. As both parties confirmed receipt of each other's evidentiary materials and that they were ready to proceed, I find that these documents were duly served in accordance with section 88 of the *Act*.

### **Preliminary Matter: Does the Residential Tenancy Branch have jurisdiction to hear the dispute between the parties?**

The respondents testified that they owned the home, and had allowed the applicants to reside in their home. The respondents testified that the home only had one kitchen,

which was shared with the applicants. The applicants confirmed that they shared the kitchen facilities with the respondents when they were residing there.

Section 4(c) of the *Act* reads in part as follows:

- 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,...*

The evidence of both parties is that the applicants shared the kitchen facilities with the respondents and owners of the accommodation while living there. Under these circumstances and based on the evidence before me, I find that the *Act* does not apply to this type of accommodation. I therefore have no jurisdiction to consider this application.

### **Conclusion**

I decline to hear this matter as I have no jurisdiction to consider this 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: January 10, 2022

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Residential Tenancy Branch