



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSDS-DR, FFT

Introduction

This hearing was scheduled to convene at 11:00 a.m. on October 17, 2023 concerning an application made by the tenant seeking a monetary order for return of all or part of the security deposit or pet damage deposit and to recover the filing fee from the landlord for the cost of the application. The tenant's application was originally made by way of the Direct Request Process, and an Interim Decision was provided to the parties dated August 29, 2023 adjourning the application to this participatory hearing.

The tenant and an agent for the landlord attended the hearing.

At the commencement of the hearing the tenant advised that during the tenancy the tenant shared the kitchen with the owner. The *Residential Tenancy Act* states:

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 *Act* does not apply, I must decline jurisdiction to hear or decide on the tenant's application.

Conclusion

For the reasons set out above, I decline jurisdiction with respect to 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: October 17, 2023

Residential Tenancy Branch