

DECISION

Dispute Codes

CNR, MNDC

Decision and reasons

Having heard testimony from the applicant under affirmation, and in the absence of any submissions from the respondent(s), although having been notified of the right to make such submissions I have determined that the Residential Tenancy Act does not have jurisdiction over this matter.

The applicant testified that:

- He is only renting a room in this rental property.
- The landlord lives upstairs in the rental property.
- The landlord also retains access to the downstairs bathroom and kitchen.

Section 4(c) of 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,

Therefore since the landlord retains access to the downstairs bathroom and kitchen, it is my decision that the Residential Tenancy Act has no jurisdiction in this matter.

Conclusion

I decline jurisdiction over this matter, and the applicant will have to look to some other jurisdiction to resolve this 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: July 02, 2010.

Dispute Resolution Officer