

DECISION

Dispute Codes:

OPR, MNR

Introduction

This hearing was initiated by way of a Direct Request Proceeding but was reconvened as a participatory hearing, as the Dispute Resolution Officer at the Direct Request Proceeding had insufficient evidence to conclude that the Notice of Direct Request Proceeding was properly served on the Tenant.

The reconvened hearing was held to address the Landlord's Application for Dispute Resolution, in which the Landlord has made application for an Order of Possession for Unpaid Rent and a monetary Order for unpaid rent.

The Landlord stated that copies of the Application for Dispute Resolution and Notice of Hearing were personally served to the Tenant on December 02, 2010. These documents are deemed to have been served in accordance with section 89 of the *Act*, however the Tenant did not appear at the hearing.

Issue(s) to be Decided

The issues to be decided are whether the Landlord is entitled to an Order of Possession for unpaid rent and to a monetary Order for unpaid rent, pursuant to sections 55 and 67 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The Landlord stated that she owns the residential complex; that she and the Tenant each have a bedroom in the residential complex; and that they share the kitchen and bathroom in the complex.

Analysis

Section 4(c) of the *Act* stipulates that the *Act* does not apply living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation. As the Landlord is the owner of this residential complex and the parties share kitchen and bathroom facilities, I find that I have no jurisdiction in this dispute.

Conclusion

As I do not have jurisdiction over this dispute, I dismiss the Landlord's Application for Dispute Resolution.

Dated: December 08, 2010.

Dispute Resolution Officer