



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes OPC, OPB, MNSD, FF

This hearing commenced by way of conference call to deal with the landlord's application for an Order of Possession for cause; for an Order of Possession for a breach of an agreement with the landlord; for an order permitting the landlord to retain the security deposit or pet damage deposit; and to recover the filing fee from the tenant for the cost of this application. The landlord attended the conference call hearing, however despite being served with the Landlord's Application for Dispute Resolution and notice of hearing documents by registered mail on October 18, 2010, the tenant did not attend.

At the outset of the hearing the landlord advised that the rental accommodation is a room in a house shared by the landlord, in which the tenant shares bathroom and kitchen facilities with the owner, landlord. The *Residential Tenancy Act* states as follows:

- 4 This Act does not apply to
- (a) living accommodation rented by a not for profit housing cooperative to a member of the cooperative,
 - (b) living accommodation owned or operated by an educational institution and provided by that institution to its students or employees,
 - (c) living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation

My authority is limited to the *Residential Tenancy Act*, and I must therefore decline jurisdiction.

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: February 10, 2011.

Residential Tenancy Branch