



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes CNC

Introduction

This hearing was convened in response to an application filed on March 9, 2011 by the Tenant to cancel a One Month Notice to End Tenancy for Cause (the "Notice") with a effective date of March 31, 2011.

I accept the Tenant's evidence that the Landlord was served with the application for dispute resolution and notice of hearing by personal service in accordance with Section 89 of the Act.

The Tenant and the Landlord were each given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the Notice valid?

Can the dispute be resolved?

Background and Evidence

The Tenant rents a bedroom in a home. The Tenant shares the kitchen and bathroom with the Landlord's father and the Landlord's brother. The Landlord and the Landlord's father agree that they own the property, each having a 50% undivided interest in the property.

Analysis

Section 4 of the Act provides that the Act does not apply to living accommodation in which the Tenant shares bathroom or kitchen facilities with the owner of that accommodation. Since the Tenant shares the bathroom and kitchen with one of the owners of the property, the Landlord's father, the validity of the Notice and the dispute cannot be determined through the application of the Act as the Act does not apply to the living arrangement. Accordingly, I find that the Notice is invalid and dismiss the application of the Tenant.

Conclusion

The Tenant's application is dismissed without leave to reapply.

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: March 22, 2011.

Residential Tenancy Branch