



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MT, CNC, OLC

Introduction

This matter dealt with an application by the Tenant for more time to apply to cancel a Notice to End Tenancy, to cancel a One Month Notice to End Tenancy for Cause dated March 17, 2011 and for an Order that the Landlord comply with the Act or tenancy agreement.

Section 4(c) of the Act says that “the Act does not apply to living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation.” The Landlord (J.B.) admitted that he is one of the owners of the rental property and that he currently resides in the rental property with the Tenant and shares kitchen and bathroom facilities with the Tenant. In the circumstances, I find that this matter is not a dispute that can be heard under the Act.

Conclusion

The Tenant’s application is dismissed without leave to reapply due to a lack of 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: April 14, 2011.

Residential Tenancy Branch