



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

Decision

Dispute Codes:

MNR, FF

Introduction

This Dispute Resolution hearing was convened to deal with an application by the landlord for a monetary order for rent owed.

Both parties attended and gave testimony.

Issues to be Decided

The landlord was seeking to receive a monetary order for rent owed for the month of October 2010 as the tenant had left without notice. The issues to be determined based on the testimony and the evidence is whether this tenancy arrangement falls within the jurisdiction of the Act, and if so, whether the landlord is entitled to a monetary order for rent owed.

Background and Evidence

The tenancy began on June 1, 2010 and ended without prior notice by the tenant on October 15, 2010. The landlord testified that the tenant vacated on short notice and failed to pay \$1,000.00 rent that was due on October 20, 2010.

The landlord confirmed that she was the owner of the home and that the parties both lived in the residence and shared the bathroom and kitchen. The tenant did not dispute the facts as presented by the landlord.

Analysis

On the first issue of jurisdiction, I note that section 4 of the Residential Tenancy Act states that the Act does not apply to living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation. Accordingly, I find that I do not have the authority under the Act to consider this matter as it does not fall within the jurisdiction of the Residential Tenancy Act.

Conclusion

Based on the testimony and evidence presented during these proceedings, I find that the tenancy in question is not a tenancy relationship covered by the Act and accordingly I must decline jurisdiction.

In light of the above, I have no authority under the Act to hear nor determine this dispute and the landlord's application is therefore dismissed without leave.

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 2011.

Residential Tenancy Branch