



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPT, FF

Introduction

This hearing was convened in response to an application filed by the tenant seeking an Order of Possession, recovery of the filing fee and “other”.

Both parties appeared at the hearing of this matter and gave evidence under oath.

Background and Evidence

The tenant submitted a “House Mate Occupancy Agreement” with respect to the party. In that agreement the person named as landlord would have “exclusive use of the front, upstairs bedroom and occupy it from time-to-time and will have full and equal access to the bathroom, kitchen, sun deck, laundry room and yard as and when required at the house.

The landlord confirmed this living arrangement and supplied evidence in the form of a Title search performed July 4, 2011 showing that she is also the registered owner of the rental property.

Analysis

Section 4 of the Residential Tenancy Act sets out what the Act does not apply to:

What this Act does not apply to

4 This Act does not apply to

(c) living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation,

As bathroom and kitchen facilities are shared between the tenant and the owner of the property I decline jurisdiction to hear this matter.

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*.
