



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNC, ERP, RP

Introduction

This hearing dealt with an application by the tenant pursuant to the *Residential Tenancy Act*, for an order to cancel the notice to end tenancy and to order the landlord to conduct emergency repairs. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be Decided

Does the landlord have cause to end the tenancy early?

Background and Evidence

The rental unit consists of a room in a home that houses other tenants. The landlord who is also the owner of the home occupies one of the rooms. The owner shares a kitchen and washroom with the tenant.

Analysis

Based on the above facts I find that the owner and tenant occupy different rooms in the home and share the kitchen and washroom. Section 4 of the *Residential Tenancy Act*, addresses what the *Act* does not apply to. It 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

Conclusion

The circumstances of the dispute do not fall within the jurisdiction of the *Act*, and the application must therefore be dismissed. The tenant is at liberty to pursue other remedies under common law.

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: July 28, 2011.

Residential Tenancy Branch