



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ET, FF

### Introduction

This is the landlord's Application for Dispute Resolution, under section 56 of the Residential Tenancy Act (the "Act"), seeking an order to end the tenancy earlier than the tenancy would end if a Notice to End Tenancy were given under section 47 and to obtain an order of possession for the rental unit.

### **Preliminary Issue:**

A review of the landlord/applicant's evidence indicated that the parties share living space, including kitchen and bathroom facilities.

Due to this issue, at the commencement of the hearing, I asked the parties about the rental unit set up for the purposes of establishing jurisdiction under the Act.

The landlord/respondent acknowledged that she is the owner of the living accommodation and that the parties share bathroom and kitchen facilities.

### Issue(s) to be Decided

1. Does the *Residential Tenancy Act* apply to this dispute and do I have jurisdiction to resolve this dispute?

### Background and Evidence

The landlord/respondent acknowledged that she shared the kitchen and bathroom facility with the tenant/respondent.

### Analysis

In order for the applicant to succeed in this application, the applicant must show that the *Residential Tenancy Act* applies.

Section 4 (c) of the *Act* states that the Act does not apply to living accommodation in which the tenant shares a bathroom or kitchen facilities with the owner of that accommodation. As a result, I decline to find jurisdiction to resolve this dispute. The parties are at liberty to seek the appropriate legal remedy to this dispute.

### Conclusion

I do not find the *Residential Tenancy Act* applies to this dispute and I have declined 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: December 15, 2011.

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Residential Tenancy Branch