



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction

This hearing was convened by way of conference call in repose to the landlord's application for an Order of Possession for unpaid rent and utilities and for a Monetary Order for unpaid rent or utilities.

The tenant and landlord attended the conference call hearing, The landlord provided documentary evidence to the Residential Tenancy Branch and to the other party in advance of this hearing.

Preliminary Issues

At the outset of the hearing the landlord and tenant agreed that the landlord was also the owner of the property and resided in the property sharing bathroom and kitchen facilities with the tenant.

Section 4(c) of the *Residential Tenancy Act* states that the Act does not apply for living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation.

Conclusion

Consequently, due to section 4(C) of the Act, I decline jurisdiction in this matter and the landlord application is dismissed without leave to reapply.

Both parties are at liberty to seek alternative legal remedy.

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: March 01, 2012.

Residential Tenancy Branch