

DECISION

Dispute Codes OPC

This hearing was convened in response to an application by the Landlord for an Order of Possession pursuant to section 55 of the *Residential Tenancy Act* (the “Act”).

At the onset of the Hearing, the Landlord’s support person stated that the Tenant goes by several first names but that Stanko is the preferred name for the application. The support person further stated that the Tenant is the Landlord’s son and lives with the Landlord who owns the house. The Tenant has his own living space but shares both the kitchen and bathroom with the Landlord.

Section 4 of the Act provides that the Act does not apply to living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation. Given the evidence of the support person, I find that the Act does not apply to the dispute between the Parties. Accordingly, the application is dismissed.

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 23, 2012.

Residential Tenancy Branch