



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPC, FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested an Order of Possession for Cause.

The landlord provided affirmed testimony that on November 17, 2012 at approximately 12 noon, he personally served the tenant the Notice of Hearing package, at the tenant's rental unit. The tenant's boyfriend was present.

The documents are deemed served to the tenant on the day of personal delivery; however, the tenant did not attend the hearing.

Issue(s) to be Decided

Is the landlord entitled to an Order of possession based on an undisputed Notice issued ending the tenancy for cause?

Jurisdiction

In accordance with section 4 of the Act, I declined jurisdiction. Section 4(c) of the Act provides a definition of housing in which jurisdiction is not found:

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

The landlord confirmed that he rents the tenant a room, in a home which he owns. The landlord and tenant share kitchen facilities.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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 13, 2012.

Residential Tenancy Branch