



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNR FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant seeking to cancel a Ten Day Notice to End Tenancy for Unpaid Rent.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants and the hearing process was explained. Participants had an opportunity to submit evidence prior to this hearing and to present oral testimony.

Preliminary Matter

At the outset of the hearing, the landlord testified that he was the owner of the home and stated that the tenant had been occupying a room in the unit, but shared the kitchen with the owner/landlord. The tenant confirmed that he did share the kitchen, but pointed out that he had his own bathroom.

Section 4(c) of the Residential Tenancy Act 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.

Given the above, I find that this tenancy relationship is not one that is governed by the Act and I therefore do not have authority to hear nor consider this application.

I hereby decline to hear this application on the basis that I lack statutory jurisdiction as the tenancy relationship in question is not governed by the Residential Tenancy Act.

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 27, 2013

Residential Tenancy Branch