



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNL

Introduction

This was an Application by the tenant to cancel a Two Month Notice to End Tenancy.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained. The participants had an opportunity to submit documentary evidence prior to this hearing, and present affirmed oral testimony during the hearing. I have considered all of the evidence.

The landlord stated that he had given the tenant a Notice to move out in one month.

Preliminary Matter

At the outset of the hearing the landlord testified that he was the owner of the residence and that the tenant occupying a portion of the unit shared the kitchen and bathroom.

Section 4(c) of the Residential Tenancy Act states that the Act does not apply to the following: **(c) living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation,** (*my emphasis*)

Given the above, I find that this tenancy relationship is not one that is governed by the Act and I therefore lack any authority to hear or consider this application. Accordingly, I hereby decline to hear this application on the basis that I lack statutory 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: August 27, 2013

Residential Tenancy Branch

