



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, MNDC

### Introduction

This was a hearing with respect to the tenant's application to cancel a one month Notice to End Tenancy and for a monetary order. The hearing was conducted by conference call. The landlord called in to the hearing at the appointed time. The tenant did not call in and did not participate although this was a hearing with respect to the tenant's application. The hearing commenced at 2:30 P.M. and was kept open until 2:40 P.M., but the tenant did not call in during that period.

### Issue(s) to be Decided

Should the Notice to End Tenancy be cancelled?

### Background and Evidence

The respondent submitted that the *Residential Tenancy Act* has no application to this tenancy and that I do not have jurisdiction to hear this dispute. The landlord testified that he is the registered owner of the rental property. He lives in the property and rents out rooms to the tenant and others who share the kitchen and bathroom facilities with the landlord.

### Analysis and conclusion

Section 4 of the *Residential Tenancy 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.

The applicant shares kitchen and bathroom facilities with the owner of that accommodation. I therefore find that the *Residential Tenancy Act* does not apply to this

dispute and I have not jurisdiction to hear the applicant's claim. The application is dismissed for want of 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 28, 2013

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Residential Tenancy Branch

