



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction and Preliminary Issue

This telephone conference call hearing was convened as the result of the tenant's application for dispute resolution under the Residential Tenancy Act (the "Act") seeking an order cancelling the landlord's 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the "Notice").

The hearing began at 2:30 p.m. as scheduled and the telephone system remained open and was monitored for 10 minutes.

During this time, the applicant/tenant did not dial into the telephone conference call hearing; however the landlord was present and ready to proceed with the hearing.

During the hearing, the landlord was asked whether or not he shared bathroom and kitchen facilities with the tenant, as this was the appearance from the tenant's application for dispute resolution. The landlord confirmed that he was the owner of the residential property and as the tenant resided in a bedroom in his home, he did share bathroom and kitchen facilities with the tenant.

Analysis and Conclusion

Section 4 (c) of the *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. In this case, the landlord confirmed that the parties share a kitchen and bathroom facility.

In light of the above, I find that the living accommodation meets the above criteria for exclusion under the *Act*, and I therefore decline to find jurisdiction to resolve this dispute.

The parties are at liberty to seek the appropriate legal remedy to this dispute.

Conclusion

I do not find the *Residential Tenancy Act* applies to this dispute and I have declined 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* and is being mailed to both the applicant and the respondent.

Dated: October 02, 2013

Residential Tenancy Branch

