



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes:**

*OLC, AAT, FF*

### **Introduction**

This hearing dealt with an application by the tenants pursuant to the *Residential Tenancy Act*, for an order directing the landlords to comply with the *Act* and to allow the tenants' guests access to the rental unit. The tenants also applied for the recovery of the filing fee.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

### **Issues to be Decided**

Are the tenants entitled to an order directing the landlord to comply with the *Act* and to allow the tenants' guests access to the rental unit? Are the tenants entitled to the recovery of the filing fee?

### **Background and Evidence**

The rental unit consists of a two level house with six bedrooms. Each level has three rooms, a kitchen and washroom. The tenants each rent a room from the landlord and share the use of the kitchen and washroom. One of the rooms on the upper level is occupied by the landlord. The tenants stated that the landlord does not live there but spends a lot of her time at the rental unit. The landlord stated that she lives in the room and shares the kitchen with the tenants. The landlord is also the owner of the home.

## **Analysis**

Based on the above facts I find that the owner and tenants occupy different rooms in the home and share the kitchen. Section 4 of the *Residential Tenancy Act*, addresses what the *Act* does not apply to. It 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

## **Conclusion**

The circumstances of the dispute do not fall within the jurisdiction of the *Act*, and the application must therefore be dismissed. The tenants are at liberty to pursue other remedies under common law. The tenants must also bear the cost of filing this application.

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: November 19, 2013

---

Residential Tenancy Branch