



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, FF, MNDC, RR

Introduction

This is an application to cancel a Notice to End Tenancy, a request for a monetary Order for \$385.00, a request for an Order allowing the tenant to reduce the rent, and a request for recovery of the \$50.00 filing fee.

A substantial amount of documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

The first issue I dealt with was the matter of jurisdiction.

Background and Evidence

Both the applicant and the respondent testified that this is accommodation in which the owner lives, and shares kitchen and bathroom facilities with the tenant.

Analysis

Section 4(c) of the Residential Tenancy Act states:

This Act does not apply to

- (c) living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation

Conclusion

The Residential Tenancy Act has no jurisdiction over this matter and therefore I declined jurisdiction and will not hear the merits of the claim.

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 21, 2013

Residential Tenancy Branch

