



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC MNR MNDC MNSD OLC ERP RP

### Introduction

This hearing dealt with an Application for Dispute Resolution filed on February 05, 2014, by the Tenant to obtain an Order to cancel a Notice to end tenancy for cause; a Monetary Order; and Orders for repairs.

No one appeared at the scheduled teleconference hearing on behalf of the Tenant, despite this matter being convened to hear the merits of the Tenant's application. An Agent appeared at the hearing on behalf of the responding Landlord and provided affirmed testimony.

### Issue(s) to be Decided

Does this matter fall within the jurisdiction of the *Residential Tenancy Act*?

### Background and Evidence

At the outset of this proceeding the Landlord's Agent testified that this matter does not fall within the jurisdiction of the *Residential Tenancy Act* because the Landlord is the owner of the property and she was sharing a kitchen and bathroom with the Applicant to this dispute.

### Analysis

Given the evidence before me, in the absence of any evidence from the Tenant who did not appear despite this matter being convened to hear the merits of his application, I accept the undisputed version of events as discussed by the Landlord's Agent and corroborated by their evidence.

Section 4(c) of the Act stipulates that this Act does not apply to living accommodation, in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation.

Based on the above, I find this matter does not fall within the jurisdiction of the *Residential Tenancy Act*, and it is hereby dismissed.

Conclusion

I HEREBY DISMISS the Tenant's application, without leave to reapply, 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: March 27, 2014

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Residential Tenancy Branch

