



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

Decision

Dispute Codes:

MNR, MNDC, FF

Introduction

This Dispute Resolution hearing was convened to deal with an application by the landlord seeking monetary compensation for unpaid rent, cleaning of unit, carpet cleaning and repairs for damage caused by a pet.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained. The participants had an opportunity to submit documentary evidence prior to this hearing, and the evidence has been reviewed. The parties were also permitted to present affirmed oral testimony and to make submissions during the hearing. I have considered all of the affirmed testimony and relevant evidence that was properly served.

Preliminary Matter

At the outset of the hearing one of the parties named as applicant/landlord testified that he was a co-owner of the residence and that the respondent named as a tenant, was actually in a personal relationship with this co-owner. Both of the applicant landlords who were present at the hearing confirmed that the respondent had occupied the home and shared the kitchen and bathrooms with one or more owners of the property.

Section 4(c) of the Residential Tenancy Act states that the Act does not apply to the following: (c) living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation, (my emphasis)

Given the above, I find that this tenancy relationship is not one that is governed by the Act and I therefore lack any authority to hear or consider this application.

The matter brought for dispute by the landlord is found to be outside the jurisdiction of the Act and beyond the authority of the arbitrator to hear or consider because the

tenancy in this instance involves sharing of the kitchen and bathrooms with the property owners.

Accordingly, I hereby decline to hear this application on the basis that I lack statutory jurisdiction to consider this dispute.

Conclusion

The landlord's application was not heard nor considered on the basis that this particular tenancy does not fall under the authority of the Residential Tenancy Act and the arbitrator therefore lacks statutory 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: April 01, 2014

Residential Tenancy Branch

