



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNC, CNL, AAT, LAT, FF

Introduction

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for several Orders. The Landlord and Tenant were each given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the dispute under the jurisdiction of the Act?

Relevant Background and Evidence

The Applicant states that he has been living in a common law relationship with the Respondent for the last approximate 15 years. The Applicant states that he has never paid any rent to the Respondent who owns the home. The Applicant states that the Respondent is now in a care home and the guardians for the Respondent are seeking to evict the Applicant from the house.

Analysis

Section 2 of the Act provides that the Act applies to tenancy agreements and rental units. Section 4 of the Act provides that the Act does not apply to living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation. Given the Applicant’s evidence of a common law relationship, of never having paid any rent, I find that the relationship between the Parties is not one of a landlord and tenant under a tenancy agreement and the living accommodation,

including the kitchen and bathroom was shared with the owner. The dispute is therefore not under the jurisdiction of the Act and I dismiss the Application.

Conclusion

The Application is dismissed.

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: July 22, 2014

Residential Tenancy Branch

