



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes LANDLORD: OPR, MNR, MNDC, FF
TENANT: OLC, AAT, FF, O

Introduction

This hearing dealt with cross applications for Dispute Resolution filed by both the Landlord and the Tenant.

The Landlord filed seeking an Order of Possession, a monetary order for unpaid rent, compensation for loss or damage under the Act, regulations or tenancy agreement and to recover the filing fee for this proceeding.

The Tenant filed to obtain an order for the Landlord to comply with the Act, regulations and tenancy agreement, to allow access to the rental unit, for compensation for loss or damage under the Act, regulations or tenancy agreement, to recover the filing fee and for other considerations.

Service of the hearing documents by the Landlord to the Tenant were done by personal delivery on or about October 1, 2014 in accordance with section 89 of the Act.

At the start of the conference call it was determined that the arrangement between the parties was not a tenancy, because the Applicant and the Respondent shared kitchen and bathroom space. Section 4(c) of the Act states that the Act does not apply to situation where there is shared kitchen and bathroom with the owner of the property. Consequently there is no tenancy between the Applicant and the Respondent; therefore I do not have jurisdiction to make a finding in this matter. The Applicant may want to seek legal advice to determine how to proceed with her claims.

In the absence of evidence to show there is a tenancy between the Applicant and Respondent the Residential Tenancy Branch does not have jurisdiction in this situation. I dismiss the application as I find no authority to decide this matter under the *Residential Tenancy Act*.

Conclusion

The application is dismissed for lack 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: October 28, 2014

Residential Tenancy Branch

