



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR, MNR, FF

### Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the Act) for:

- an order of possession for unpaid rent pursuant to section 55;
- a monetary order for unpaid rent pursuant to section 67; and
- authorization to recover his filing fee for this application from the tenants pursuant to section 72.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, and to make submissions.

### Preliminary Issue - Jurisdiction

At the hearing the tenant who attended this hearing (the tenant) and landlord agreed that they shared both bathroom and kitchen facilities.

Paragraph 4(c) of the Act excludes jurisdiction over disputes in relation to living accommodations in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation.

On this basis, I declined to hear the landlord's claim.

### Conclusion

The landlord's application is dismissed as the Residential Tenancy Branch does not have jurisdiction to consider his claims.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under subsection 9.1(1) of the *Residential Tenancy Act*.

Dated: November 14, 2014

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Residential Tenancy Branch

