



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, FF, O

Introduction

This hearing was set to hear an application by the tenant for an order setting aside a 10 Day Notice to End Tenancy for Non-Payment of Rent. The landlord appeared; the tenant did not.

Preliminary Issue(s) to be Decided

Does the Residential Tenancy Branch have jurisdiction over this dispute?

Background and Evidence

The landlord owns this home in partnership with another person. The landlord's home has one kitchen, one and a half bathrooms upstairs, and one bathroom on the lower level. The landlord and the tenant shared the kitchen, both full bathrooms, and all other space in the home except for their respective bedrooms.

Analysis

The Residential Tenancy Branch has been created by statute, the *Residential Tenancy Act*, and can only hear and resolve disputes that are within the jurisdiction created by the statute.

Section 4 (c) of the *Residential Tenancy 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. Accordingly, the Residential Tenancy Branch does not have jurisdiction over this dispute.

If the Residential Tenancy Branch had jurisdiction over this dispute the tenant's application would have been dismissed without leave to reapply because of the tenant's failure to attend at the hearing.

Conclusion

The Residential Tenancy Branch does not have jurisdiction over this dispute.

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: November 14, 2014

Residential Tenancy Branch

