



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPT, MNDC, RPP

Introduction

This hearing was convened in response to an application by the tenant under the *Residential Tenancy Act*.

Both parties attended the conference call hearing and each was given opportunity to present evidence and make submissions. The landlord acknowledged receiving the tenant's Notice of Hearing Package. The tenant is currently not residing in the rental unit due to this dispute.

Preliminary matters

During this hearing the parties agreed in testimony that the rental unit was shared by the tenant and the landlord. The landlord testified they are the registered *owner* of the house and the tenant acknowledged this fact and that the parties together resided in the rental unit. Moreover, the parties agreed that the tenant and landlord shared the washroom and kitchen facilities of the residential unit.

Analysis

Section 4 of the *Residential Tenancy Act* (the Act), in part, states as follows;

What this Act does not apply to

4 This Act does not apply to

(c) living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation,

Based on the testimony of the landlord and that of the tenant, I find that during this tenancy the tenant shared the bathroom with the owner of the rental unit and as a result I find **I must decline jurisdiction**, and effectively **I dismiss** the tenant's application. The parties are at liberty to seek resolution of their issue(s) elsewhere.

Conclusion

I do not have jurisdiction or authority to hear this application. The tenant's application **is dismissed**, *without leave to reapply*.

This Decision is final and binding on both parties.

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 07, 2015

Residential Tenancy Branch

