



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord filed under the Residential Tenancy Act, (the “Act”), for an order to end tenancy early and obtain an order of possession,

The applicant attended the hearing. As the respondent did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered.

The Residential Tenancy Branch Rules of Procedure states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The applicant testified the Application for Dispute Resolution and Notice of Hearing were served on the tenant on June 9, 2015, in person.

I find that the tenant has been duly served in accordance with the Act.

Preliminary matter

In this matter the respondent goes by several aliases as shown on the court recognizance of bail issued on June 22, 2015. Therefore, I find it appropriate to amend the style of cause to add the alias names.

The applicant stated that the respondent moved into their home on May 1, 2015. The applicant stated that they rent rooms in the living accommodation and share common areas such as the kitchen facilities. The applicant stated that they vacated the living accommodation for a period of one week; however, their belongings were still in the living accommodations.

The applicant stated that they do not believe the Act applies; however, the respondent argued with the police when they were arrested stating they believed the Act applies because of the one week they were not residing in the living accommodations.

Base on the above evidence, I find the Act does not apply to living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of the accommodation. Although the owner vacated the premises for a one week period, that does not change the terms of the agreement. Furthermore, the owner did not remove their personal effects from the living accommodations.

Therefore, I decline to hear the landlord's application 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: July 10, 2015

Residential Tenancy Branch

