



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNC, OPT, AAT

This hearing dealt with an application by the tenant. At the hearing, the parties agreed that the landlord and tenant had lived together in the rental unit in a common law relationship for some years. The tenant claimed that he would be asserting an ownership interest in the property in Supreme Court.

The *Residential Tenancy Act* has jurisdiction only over tenancies in which the purported tenant has no ownership interest whatsoever and has nothing more than a mere right to possession. Section 4 of the Act specifies that where a tenant and the owner of the unit share a kitchen or bathroom, the Act does not have jurisdiction.

For these 2 reasons, I find that the *Residential Tenancy Act* does not apply to this tenancy relationship and I therefore do not have jurisdiction to adjudicate this matter. The claim 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: August 26, 2015

Residential Tenancy Branch

