



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNSD, OLC, and O

Introduction

This hearing was convened in response to an Application for Dispute Resolution, in which the Applicant applied for a monetary Order for money owed or compensation for damage or loss; an Order requiring the Respondent to comply with the *Residential Tenancy Act (Act)* or the tenancy agreement; and for “other”.

The Applicant stated that he personally served the Respondent with the Application for Dispute Resolution and the Notice of Hearing, although he does not recall the date of service. The Respondent acknowledged receiving these documents on July 30, 2015.

On August 14, 2015 the Applicant submitted nine pages of evidence to the Residential Tenancy Branch. The Applicant stated that he personally served the Respondent with these documents, although he does not recall the date of service. The Respondent acknowledged receiving these documents on July 30, 2015 and they were accepted as evidence for these proceedings.

Issue(s) to be Decided

Is the Applicant entitled to compensation for a breach of his right to quiet enjoyment and is there a need to issue an Order requiring the Respondent to comply with the *Act* or the tenancy agreement?

Background and Evidence

The Applicant and the Respondent agree that:

- the Applicant moved into the residential complex in 2014;
- the Respondent owns and lives in the residential complex; and
- the Applicant and the Respondent share the kitchen and the bathroom in the residential complex.

Analysis

Section 4(c)(i) of the *Act* stipulates that the *Act* does not apply to living accommodation in which the tenant shares the bathroom or kitchen facilities with the owner of that accommodation.

On the basis of the undisputed evidence, I find that the Respondent owns the residential complex; that he lives in the residential complex; and that the Applicant and the Respondent share the bathroom or kitchen facilities in the complex. I therefore find that I do not have jurisdiction over this living accommodation, pursuant to section 4(c)(i) of the *Act*.

Conclusion

As I do not have jurisdiction over the living accommodation, I decline to consider the merits of the Application for Dispute Resolution.

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: October 05, 2015

Residential Tenancy Branch

