



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute codes CNC MT

Introduction

This hearing dealt with an application pursuant to the *Residential Tenancy Act* (the “Act”) for:

- more time to make an application to cancel the landlord’s 1 Month Notice to End Tenancy for Cause pursuant to section 66;
- cancellation of a 1 Month Notice to End Tenancy For Cause, pursuant to section 47;

The hearing was conducted by conference call. The applicant did not attend this hearing, although I waited until 9:12 a.m. in order to enable the applicant to connect with this teleconference hearing scheduled for 9:00 a.m. The respondent attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions.

Issues

Do I have jurisdiction under the Act to make a decision on the application before me?

Background and Evidence

The respondent submits that the applicant does not rent out a basement suite as indicated in the application but rather rents a room in the main house and shares accommodations including a kitchen and washroom with the owner. The respondent submitted a copy of the rental agreement which indicates the agreement is for a room rental.

The respondent is not seeking an order of possession.

Analysis

Section 4(c) of the *Act* stipulates that the *Act* does not apply to:

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

I accept the uncontested testimony and evidence of the landlord and find that the applicant shares the bathroom and kitchen facilities with the owner of the accommodation. Therefore, I find that the *Act* does not apply to this living accommodation.

The tenant's application is dismissed without leave to reapply.

Conclusion

I find that I do not have jurisdiction over this matter.

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: February 10, 2017

Residential Tenancy Branch