



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes                      CNR

### Introduction

This hearing dealt with an Application for Dispute Resolution (the “Application”) under the Residential Tenancy Act (the “Act”) for:

- cancellation of a 10 Day Notice To End Tenancy for Unpaid Rent or Utilities (the “10 Day Notice”).

The Applicant did not appear at the hearing which lasted until 9:40 a.m. The Respondent appeared at the teleconference hearing and gave affirmed testimony. A summary of the testimony is provided below and includes only that which is relevant to the hearing.

### Background and Analysis

The Respondent testified that the Applicant is living in her home and that they share bathroom and kitchen facilities together. The Respondent’s position is that the Residential Tenancy Branch has no jurisdiction to hear this dispute based upon the living arrangements. For that reason the Respondent is not seeking an order of possession.

Section 4 of the *Act* states that this *Act* does not apply to living accommodation in which bathroom or kitchen facilities are shared with the owner of that accommodation.

Based upon the Respondent’s undisputed testimony that the Applicant shares bathroom and kitchen facilities with the Respondent, I decline jurisdiction in this matter.

### Conclusion

Based upon the reasons set out above, I decline to accept jurisdiction in 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: March 22, 2017

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Residential Tenancy Branch

