



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR, ERP, LAT, MNDC, MNSD, OLC, OPT, PSF, RP, FF

### Introduction

This hearing was set for 9:30 a.m. on this date, via teleconference call, to deal with multiple issues including cancellation of a 10 Day Notice to End Tenancy for Unpaid Rent. Both parties appeared or were represented at the hearing and were provided the opportunity to make relevant submissions, in writing and orally pursuant to the Rules of Procedure, and to respond to the submissions of the other party.

### Preliminary and Procedural Matters

The Application was amended to correct the spelling of the landlord's last name.

The tenant testified that he sent a hearing package to the landlord via registered mail. The landlord confirmed receiving registered mail from the tenant but stated that only a Notice of Hearing was provided in the envelope and the landlord did not receive a copy of the tenant's Application for Dispute Resolution. The landlord also stated that the Act does not apply to this living arrangement. Accordingly, I found it appropriate to determine whether I have jurisdiction to resolve this dispute.

Both parties provided consistent testimony that the tenant rents a bedroom from the landlord, the landlord and the tenant share kitchen or bathroom facilities, and the landlord owns the residential property.

Section 4 of the *Residential Tenancy Act* (the Act) provides that the Act does not apply to certain living accommodation. Section 4(c) provides as follows:

**4** This Act does not apply to

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

Pursuant to section 4(c) of the Act, I find the Act does not apply to the subject living accommodation. Since my authority to resolve disputes is provided under the Act, I find I do not have jurisdiction to resolve this dispute and I decline for further consider the Application before me.

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: May 23, 2017

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Residential Tenancy Branch