



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNDC, FF

Introduction

This hearing dealt with the applicant's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an Order of Possession for unpaid rent pursuant to section 55;
- a monetary order for unpaid rent and for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 67; and
- authorization to recover the filing fee for this application from the respondent pursuant to section 72.

The respondent did not attend this hearing, although I waited until 11:11 a.m. in order to enable the respondent to connect with this teleconference hearing scheduled for 11:00 a.m. The applicant attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

At the outset of the hearing the applicant testified that the respondent has moved out of the dispute address. The applicant also testified that the respondent was renting a room in a house that the applicant owns, and that the respondent was sharing a kitchen with the applicant.

Analysis

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

Based on the applicant's undisputed affirmed testimony, I find that I do not have jurisdiction to hear this matter as the *Act* does not apply to the living arrangement between the applicant and the respondent.

Conclusion

I decline to proceed due to a lack of jurisdiction.

The applicant's application is dismissed, without leave to reapply.

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 19, 2017

Residential Tenancy Branch