



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes RPP, FFT

Introduction and Analysis

This hearing was convened as a result of the applicant's Application for Dispute Resolution ("application") under the *Residential Tenancy Act* ("Act"). The applicant has applied for an order compelling the respondent to issue receipts for rent paid and to recover the cost of the filing fee.

The applicant, the respondent and a support person for the respondent attended the teleconference hearing. At the outset of the hearing, the applicant and respondent did not dispute that the respondent owns the rental property as of December 2017. The applicant is seeking relief for a time period of December 2017 into 2018. The respondent confirmed that she was the owner of the home since December 2017 and that they rented out a space in their home to the applicant and both parties confirmed that the applicant had access to the bathroom and kitchen of the respondent upstairs when the door was unlocked which the applicant stated was unlocked periodically. The respondent stated that the door between the upstairs and downstairs was always unlocked. Section 4(c) of the *Act* applies and states:

What this Act does not apply to

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,

[My emphasis added]

Based on the above, I find the *Act* does not apply to this living arrangement as I accept the testimony of the parties that the applicant had access to and therefore shared the

kitchen and/or bathroom upstairs of the owner of the home. Based on the above, I **dismiss** this application due to lack of jurisdiction as the *Act* does not apply.

Conclusion

The application is dismissed due to lack of jurisdiction as per section 4(c) of the *Act*.

The parties confirmed their understanding that the decision would be emailed to the parties at the email addresses confirmed during the hearing.

This decision is final and binding on the parties, unless otherwise provided under the *Act*, and 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: April 10, 2018

Residential Tenancy Branch