



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, ER

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant to cancel a 10 Day Notice to End Tenancy for Unpaid Rent and to have the landlord make emergency repairs for health or safety reasons.

Both parties appeared

Preliminary issue

The first issue that I must decide is whether the Act has jurisdiction over the parties in order to proceed with this application.

The applicant testified that they rent a room from the owners of the property and they share the kitchen.

The respondents agreed that they share the kitchen facilities with the applicant.

Section 4 of the Residential Tenancy Act States

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,

I accept the evidence of both parties that the applicant rented a room and was sharing kitchen facilities with the owners of that accommodation. I find that the Residential Tenancy Act does not apply in this case. I find that there is no jurisdiction to proceed with this application. Therefore, I dismiss the application without leave to reapply.

Conclusion

I order that the application be dismissed without leave to reapply due to the lack of jurisdiction under the Act.

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: June 13, 2018

Residential Tenancy Branch