



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, LRE

### Introduction

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

- cancellation of a 1 Month Notice to End Tenancy for Cause (the "1 Month Notice"), pursuant to section 47; and
- an order that conditions be set on the landlord's right to enter the rental unit pursuant to section 70.

Both parties attended the hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

### Issue(s) to be Decided

Do I have jurisdiction under the *Act* to consider the application for dispute resolution?

### Background and Evidence

The parties agreed that the rental unit is a bedroom in a detached home owned by the respondent. The parties testified that there are four individuals who share the home, the respondent and her spouse and two occupants in the basement area. There are two kitchens and five bathrooms in the building which are used by all of the occupants. The respondent gave evidence that while she primarily uses the upstairs kitchen, she also regularly uses the basement kitchen when it is more convenient to cook larger meals.

### Analysis

Section 4(c) of the *Act* sets out living accommodations to which the *Act* does not apply. It reads in part 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,...*

The evidence of the parties is that the applicant rents a bedroom in the building and shares the kitchen facilities and bathrooms with the other occupants of the building, including the respondents who own the building. The respondent gave undisputed evidence that they freely use the basement kitchen facilities as needed. Under these circumstances and based on the evidence before me, I find that the *Act* does not apply to this living arrangement between the parties. I therefore have no jurisdiction to render a decision in this matter.

### Conclusion

I decline to hear this matter as I have no jurisdiction to consider this application.

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: July 27, 2018

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Residential Tenancy Branch