



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR, FFT, OLC (A.T.)  
FFL, MNRL, OPU (H.P.)

### Introduction

This hearing was convened by way of conference call in response to cross Applications for Dispute Resolution filed by the parties.

A.T. filed her application August 24, 2018. A.T. disputed a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated August 20, 2018 (the “Notice”). A.T. sought an order that the landlord comply with the Act, regulation and/or the tenancy agreement. A.T. also sought reimbursement for the filing fee.

H.P. filed her application August 30, 2018. H.P. sought an Order of Possession based on the Notice, to recover unpaid rent and reimbursement for the filing fee.

A.T. appeared at the hearing. H.P. appeared at the hearing with R.J. to assist.

At the outset of the hearing, the parties confirmed the following. H.P. owns a townhouse with three bedrooms. Her son lives in one of the bedrooms. A.T. and her son live in the other two bedrooms. A.T. and H.P. entered into a “Room Rental Agreement” in relation to the bedrooms.

R.J. advised that H.P. stays overnight at the townhouse approximately two times per week. He said she sleeps downstairs in the lounge area on the couch. He confirmed that she shares bathroom and kitchen facilities with A.T. when she stays over at the townhouse.

A.T. testified that H.P. has only been staying over since the beginning of August. She confirmed H.P. has always had access to the townhouse and comes and goes as she

pleases. She said H.P. uses the bathroom and kitchen facilities when she is at the townhouse.

Section 4(c) of the *Residential Tenancy Act* (the “*Act*”) states that the *Act* “does not apply to living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation”.

Here, A.T. and H.P. do share bathroom and kitchen facilities when H.P. is at the townhouse and H.P. owns the townhouse. Therefore, the *Act* does not apply and I have no jurisdiction to decide this matter.

I explained the above to the parties. The parties had questions about how to proceed in the circumstances. I told the parties they would have to seek legal advice about this.

### Conclusion

Pursuant to section 4(c) of the *Act*, the *Act* does not apply and I have no jurisdiction to decide this matter.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Act*.

Dated: October 12, 2018

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Residential Tenancy Branch