



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNR LAT LRE MNDCT OLC RR

### Introduction

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

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent ("10 Day Notice");
- an Order directing the landlord to comply with the *Act*;
- a monetary award for loss pursuant to section 67 of the *Act*;
- authorization to change the locks to the rental unit;
- to suspend or set conditions on the landlord's right to enter the rental unit; and
- an order to reduce rent.

Both parties attended the hearing. The landlord was represented at the hearing by his agent, K.G. All parties present were given a full opportunity to be heard, to present their sworn testimony and to make submissions.

The tenant confirmed receipt of two separate notices to end tenancy. The first served on September 11, 2018 with the second being served on October 2, 2018.

The landlord confirmed receipt of the tenant's application for dispute and evidentiary package.

### Preliminary Issue

Following opening remarks, the landlord's agent explained the tenant and the landlord shared the rental unit and questioned if the *Act* should apply. The tenant confirmed that

he shared a three bedroom unit with the landlord which included shared kitchen and bathroom facilities.

After hearing the testimony of both the landlord and the tenant, I find that I have no standing to hear or rule on this matter.

Section 4 of the *Act* notes;

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,

Both the landlord and the tenant stated that this accommodation consisted of a room in a unit that was shared. The tenant confirmed that he rented only a room and not a separate suite. Furthermore, he said the parties shared use of the kitchen and bathroom facilities.

I find that the *Act* does not apply to this matter and I have no jurisdiction to make a decision on this matter because the evidence presented shows that the tenant and landlord share bathroom and kitchen facilities.

### Conclusion

I decline to rule on 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: October 29, 2018

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Residential Tenancy Branch