



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FFT, MNDCT

Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution filed by the Applicant on June 15, 2018. The Applicant applied for compensation for monetary loss or other money owed. The Applicant also sought reimbursement for the filing fee.

The Applicant and Respondent appeared at the hearing.

At the outset of the hearing, the Respondent advised that him and the Applicant shared a bathroom and kitchen while the Applicant was at the rental unit and that he is a part owner of the rental unit.

The Applicant confirmed he shared a bathroom and kitchen with the Respondent.

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, the Applicant and Respondent did share a bathroom and kitchen and the Respondent is part owner of the rental unit. Therefore, the Act does not apply and I have no jurisdiction to decide this matter.

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

Pursuant to rule 6.10 of the Rules of Procedure, I note that the Applicant was rude and confrontational towards the Respondent from the outset of the hearing and had to be

cautioned in relation to this. He threatened further legal action against the Respondent a few times during the short hearing. He then went further and started calling the Respondent names and threatened the Respondent with more than legal action. At this point, I had to tell the Applicant to stop and cautioned him that I would mute him if he continued. The Applicant then exited the conference call.

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: September 11, 2018

Residential Tenancy Branch