



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes AAT, CNL, LAT, OLC, PSF, MNDC

Introduction

This hearing was convened in response to an application and amended application for dispute resolution pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order allowing access for the Tenant or the Tenant’s guests to the unit - Section 70;
2. An Order cancelling a notice to end tenancy - Section 49;
3. An Order allowing a lock change - Section 70;
4. An Order for the Landlord to comply - Section 62;
5. An Order for the provision of services or facilities - Section 65; and
6. A Monetary Order for compensation - Section 67

Both Parties appeared and were each given full opportunity under oath to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Does the Act apply to the living accommodation?

Background and Evidence

The Respondent states that he is the owner of the unit that the Applicant resided in and that the Parties shared the kitchen and bathroom in the unit. The Applicant states that

he has no evidence to rebut that the Landlord is the owner and does not dispute that the Parties shared the kitchen and bathroom.

Analysis

Section 4(c) of the Act provides that the Act does not apply to living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation. Based on the undisputed evidence that the Applicant shared with bathroom and kitchen with the Respondent who owns the unit I find that the Act does not apply to the living accommodation. I therefore dismiss the application.

Conclusion

The Act does not apply and the application is dismissed.

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 01, 2018

Residential Tenancy Branch