



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNR LRE MNDCT OLC RR**

Introduction

This hearing dealt with an application pursuant to the *Residential Tenancy Act* (the “Act”) for:

- An order to cancel a notice to end tenancy for unpaid rent pursuant to section 46;
- An order to suspend the landlord’s right to enter the rental unit pursuant to section 70;
- A monetary order for damages or compensation pursuant to section 67;
- An order for the landlord to comply with the Act pursuant to section 62; and
- An order for the landlord to reduce rent for repairs or services agreed upon but not provided pursuant to section 65.

The applicant did not attend the hearing, although I left the teleconference hearing connection open until 9:40 a.m. to enable the applicant to call into this teleconference hearing scheduled for 9:30 a.m. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the respondents and I were the only ones who had called into this teleconference.

The respondents attended the hearing with an interpreter and gave undisputed testimony.

Preliminary issue – Jurisdiction

The applicant and respondent AL’s family live together in a 2 level house that has one washroom and one kitchen.

The owner of the house is the respondent AL's mother, NN.

The respondent NN testified that she owns this house and several other houses and lives between all of them. She comes and goes at will to and from the house. She shares the bathroom and kitchen with the applicant. The utilities are in NN's name and she pays utilities for the house as utilities are included in the rent.

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

I find that I do not have the 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: March 19, 2019

Residential Tenancy Branch