



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC

Introduction

As stated on the application for notice of dispute resolution, this hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "**Act**") for an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62. However, upon review of the file, it is apparent that the application is actually to one to contest a Notice Terminating or Restricting a Service or Facility (Form #RTB-24) issued by the landlord, which purported to end the tenancy.

Both parties attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

Preliminary Issue – Jurisdiction

The landlord named on the application for dispute resolution is an individual who hold the power of attorney for the purported landlord and the owner of the rental property (the "**Owner**"). The tenant testified that she lives with the Owner. The owner is in poor health and needs full-time assistance. The tenant is employed by the owner as a live-in "overseer". The tenant testified that she has her own room in the Owner's house, but that she shares the kitchen with the owner.

Section 4(c) of the Act states:

What this Act does not apply to

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,

I find that, given the tenant shares kitchen facilities with the owner, the Act does not apply to the dispute at hand. As such, I have no jurisdiction to hear the tenant's application. I make no factual findings as to the merits of this case.

Accordingly, I dismiss the tenant's application without leave to reapply.

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: April 26, 2019

Residential Tenancy Branch