



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR MNDC

Introduction

This hearing was convened as a result of the Owners' Application for Dispute Resolution. The participatory hearing was held, by teleconference, on May 17, 2019. The Owners applied for multiple remedies, pursuant to the *Residential Tenancy Act* (the "Act").

One of the Owner's, L.H., attended the hearing as well as all the Occupants. The Occupants confirmed receipt of the Owners' evidence and application. The Owner confirmed receipt of the Occupants' evidence.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence submitted in accordance with the rules of procedure, and evidence that is relevant to the issues and findings in this matter are described in this Decision. Not all evidence that was submitted will be summarized. Only evidence which underpins my decision will be referenced.

Preliminary and Procedural Matters

During the hearing, it became apparent that jurisdiction may be an issue in this application. As such, I must determine whether or not I have jurisdiction to hear this application. Below is my analysis on the matter.

I note the two owners listed on the application for dispute resolution are L.H., and B.M. The parties both entered into evidence a rental agreement, initiated in June of 2018. The owner/applicant for this proceeding uploaded a copy of this rental agreement document, and it specifically lists B.M. as a "co-owner", as well as an occupant of the

house, which was shared with the occupants named as the respondents on this application. I note that in this agreement document under the “insurance” section, it says that B.M. is a “co-owner/resident of the family property.” One of the owners, L.H., specifically stated in the hearing that B.M. was a “live-in homeowner.” There was a significant amount of disagreement about which roommate was to pay which amount, but it is undisputed that B.M. was sharing a kitchen and was living with the others in the same house. I turn to the following portion of the Act:

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

Since one of the owners shared a kitchen with the other occupants, I find the Act does not apply, and I decline jurisdiction on this matter. I dismiss the application, in full, without leave to reapply.

Conclusion

I decline jurisdiction on this matter. The application is dismissed in full 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: May 17, 2019

Residential Tenancy Branch