



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, LAT

Introduction

This teleconference hearing was scheduled in response to an application under the *Residential Tenancy Act* (the “Act”) to cancel a 10 Day Notice to End Tenancy for Unpaid Rent (the “10 Day Notice”), and for authorization to change the locks.

Both Respondents called into the hearing while no one called in for the Applicant. The Respondents were affirmed to be truthful in their testimony and confirmed receipt of the Notice of Dispute Resolution Proceeding package from the Applicant.

Preliminary Matters – Jurisdiction

At the outset of the hearing the Respondents explained that the Applicant is not a tenant. They stated that the Applicant resided in the home with his mother who is the owner of the home. They stated that the mother is now living in a medical facility and as her power of attorneys they are trying to have the Applicant vacate the home. They stated that no rent was ever paid and that no tenancy agreement was entered into.

Based on the testimony of the two Respondents, I find that the *Residential Tenancy Act* does not apply to this matter. Section 4(c) of the *Act* states that the *Act* does not apply to accommodation in which a tenant shares bathroom or kitchen facilities with the owner. Furthermore, I find the lack of a tenancy agreement or payment of rent to be further evidence towards this matter falling outside of the jurisdiction of the *Act*. Instead, I find this to be a family matter and therefore I decline jurisdiction.

Conclusion

The *Residential Tenancy Act* does not apply to this matter and therefore I decline jurisdiction.

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: June 18, 2019

Residential Tenancy Branch