



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FFL

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act*, for an early end of tenancy and an order of possession under section 56 of the Act and the recovery of the filing fee pursuant to section 72.

Issues to be Decided

Does the landlord have cause to end the tenancy early? Is the landlord entitled to the recovery of the filing fee?

Background and Evidence

The rental unit consists of a room in a home that houses other tenants. The landlord who is also the owner of the home occupies one of the rooms. The owner shares a kitchen and washroom with the tenant.

Analysis

Based on the above facts I find that the owner and tenant occupy different rooms in the home and share the kitchen and washroom. Section 4 of the *Residential Tenancy Act*, addresses what the *Act* does not apply to. It states that the *Act* does not apply to living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation

Conclusion

The circumstances of the dispute do not fall within the jurisdiction of the *Act*, and the application must therefore be dismissed. The landlord is at liberty to pursue other remedies under common law.

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



Residential Tenancy Branch

RTB-136