



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

<u>Dispute Codes</u>	Landlord:	OPR MNR FF
	Tenant:	CNR FF

Introduction

This hearing was convened to address cross Applications for Dispute Resolution filed by the parties under the *Residential Tenancy Act* (the “*Act*”).

The Landlord’s Application for Dispute Resolution was made on July 5, 2019. The Landlord applied for the following relief, pursuant to the *Act*:

- an order of possession for unpaid rent or utilities;
- a monetary order for unpaid rent or utilities;
- an order granting recovery of the filing fee.

The Tenant’s Application for Dispute Resolution was made on July 3, 2019, and amended on July 12, 2019. The Tenant applied for the following relief, pursuant to the *Act*:

- an order cancelling a notice to end tenancy for unpaid rent or utilities; and
- an order granting recovery of the filing fee.

The Landlord was represented at the hearing by T.H., an articulated law student. The Tenant attended the hearing on his own behalf and provided affirmed testimony.

Preliminary Issue – Jurisdiction

Section 4(c) of the *Act* confirms that the *Act* does not apply to living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation. During the hearing the Tenant and T.H. agreed that the parties shared kitchen facilities and that the *Act* does not apply. Therefore, I find the parties' respective Applications are dismissed, 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: August 23, 2019

Residential Tenancy Branch