



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OLC

Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* (the "**Act**") for:

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the "**Notice**") pursuant to section 46; and
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62;

The tenants did not attend this hearing, although I left the teleconference hearing connection open until 9:40 am in order to enable the tenants to call into this teleconference hearing scheduled for 9:30 am. The landlords attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the landlords and I were the only ones who had called into this teleconference.

Preliminary Issue – Jurisdiction

The landlords testified that the tenants rented a room in the basement of their house. They testified that the house had only one kitchen that they shared with the tenants. They testified that the house is part of a housing co-op, and that they are share purchase owners of the housing co-op.

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 the landlords are owners of the house in question for the purposes of section 4. I find that the tenants shared a kitchen with the landlord. As such, I find that the Act does not apply to this dispute, and that I have no jurisdiction to hear the tenants' application. I make no factual findings as to the merits of their application.

Accordingly, I dismiss the tenants' 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: September 24, 2019

Residential Tenancy Branch