



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL MNDC OLC PSF FF

Introduction

This hearing dealt with an application pursuant to the *Residential Tenancy Act* (the “Act”) for:

- cancellation of a Two Month Notice to End Tenancy For Landlord’s Use of Rental Property, pursuant to section 49 (the Two Month Notice);
- a monetary order for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62;
- an order to the landlord to provide services or facilities required by law pursuant to section 65;
- authorization to recover the filing fee for this application pursuant to section 72.

The hearing was conducted by conference call. All named parties attended the hearing.

Pre-liminary Issue

Do I have jurisdiction over this matter?

Background and Evidence

The parties confirmed that this rental unit was shared accommodations with the landlord who is the owner of the property. The applicant rented a bedroom and bathroom in the house and shared a kitchen with the landlord.

Analysis

Before making any finding on the merits of the claim, I must determine if I have jurisdiction under the Act over this matter.

Section 4(c) of the *Act* stipulates that the *Act* does not apply to:

(c) living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation,

The parties confirmed that the tenant shared the kitchen facilities with the owner of the accommodation. Therefore, I find that the *Act* does not apply to this living accommodation.

This application is dismissed in its entirety without leave to reapply.

Conclusion

I find that I do not have jurisdiction over this matter.

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: March 26, 2020

Residential Tenancy Branch