



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNRL, FFL

Introduction

In this dispute, the applicant had initially sought various relief under the *Residential Tenancy Act* (the “Act”). The applicant filed under the Act on February 12, 2020, and a dispute resolution hearing was held, by way of telephone conference, on April 16, 2020. The applicant attended the hearing, while the respondent did not.

I have only considered submissions relevant to the preliminary issue of this application.

Preliminary Issue: Jurisdiction

The applicant submitted that in her previous discussion with staff of the Residential Tenancy Branch, it became clear to her that the living arrangement between her and the respondent was such that it fell outside the jurisdiction of the Act.

Regarding that living arrangement, the applicant testified that she and the respondent shared kitchen facilities within one residential property. It appears that they also both had shared use, or access to, shared bathroom facilities. Though, the respondent did have his own bathroom.

Section 4(c) of the Act states that “This Act does not apply to [. . .] living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation”.

In this case, the applicant and the respondent shared kitchen facilities. Therefore, I conclude that the Act does not apply to the legal relationship between the parties. I thus decline the application as I am without jurisdiction under the Act to make any further findings of fact, law, or issue any orders.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under section 9.1(1) of the Act.

Dated: April 16, 2020

Residential Tenancy Branch