



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNC, OLC, MNDCT, FFT, OT**

Introduction

This hearing dealt with an application by the tenant under the *Residential Tenancy Act* (the *Act*) for the following:

- Cancellation of One Month Notice to End Tenancy for Cause (“One Month Notice”) pursuant to section 47;
- An order of possession for the tenant pursuant to section 54;
- A monetary order for compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* (“*Regulation*”) or tenancy agreement pursuant to section 67 of the *Act*;
- An order requiring the landlord to comply with the *Act* pursuant to section 62;
- An order requiring the landlord to reimburse the tenant for the filing fee pursuant to section 72.

SC attended as agent for the landlord (“the landlord”). The tenant attended.

Preliminary Issue: Jurisdiction

At the outset of the hearing, the parties agreed that the landlord and the tenant shared both a bathroom and a kitchen prior to the tenant moving out on July 26, 2020.

As stated in the Act, the Act does not apply in circumstances where the tenant shares bathroom or kitchen facilities with the landlord. The applicable section of the Act states as follows:

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...

Accordingly, I decline to hear this matter as I do not have jurisdiction to do so. The matter is dismissed without leave to reapply.

Conclusion

The matter is 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 21, 2020

Residential Tenancy Branch