



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL

This matter was scheduled for a conference call at 11:00 a.m. on this date. The landlord participated in the teleconference, the tenant did not. The landlord filed this application seeking an order of possession pursuant to a Two Month Notice to End Tenancy for Landlord's Use of Property pursuant to section 49 of the Act. At the outset of the hearing the landlord advised that she is the owner of the home and that she has a bed where she sleeps in the unit. The landlord advised that she shares a kitchen with the tenant.

Section 4 of the Act addresses the issue before me 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,

The landlord confirmed that she does share a kitchen with the tenant, accordingly; I am unable to hear this matter as I do not have the jurisdiction to do so under the Act.

Conclusion

I decline jurisdiction to hear this matter; accordingly, this application is dismissed in its entirety 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: October 01, 2020

Residential Tenancy Branch