



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

**Dispute Codes**      ET FFL

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

- an early end to this tenancy pursuant to section 56; and
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

The tenant did not attend this hearing, although I left the teleconference hearing connection open until 1:45 pm in order to enable the tenant to call into this teleconference hearing scheduled for 1:30 pm. The landlord 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 landlord and I were the only ones who had called into this teleconference.

On the application for dispute resolution, the landlord listed his address as the same as the tenant's. At the hearing, he testified that he and his wife moved into one bedroom of the rental unit on September 30, 2020 (the prior occupant, another tenant of theirs, had recently moved out). The tenant rents another bedroom in the rental unit. The landlord and tenant share a kitchen and bathroom. The landlord testified that he owns the rental unit.

Section 4 of the 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,

As such, based on the testimony of the landlord, I find that the Act does not apply to the present situation. Accordingly, I have no jurisdiction to adjudicate this dispute or grant the relief sought by the landlord. The landlord must look elsewhere for the relief he seeks.

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: November 13, 2020

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Residential Tenancy Branch