



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

Pursuant to section 58 of the Residential Tenancy Act (the Act), I was designated to hear an application regarding the above-noted tenancy. The tenant applied for cancellation of the One Month Notice to End Tenancy for Cause (the Notice), pursuant to section 47.

Both parties attended the hearing. The tenant was assisted by advocate CW. All were given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

At the outset of the hearing the attending parties affirmed they understand it is prohibited to record this hearing.

The tenant affirmed the rental unit is a single room occupancy suite and that he shares the kitchen and bathroom with other tenants. The landlord stated he resides in the same rental building and shares the kitchen and bathroom with the tenant. The tenant did not dispute the landlord's testimony.

Based on the landlord's cohesive testimony, I find the landlord and tenant share the bathroom and kitchen facilities.

Section 4 of the Act provides:

This Act does not apply to
(c) living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation

Thus, pursuant to section 4 (c) of the Act, I have no jurisdiction to hear this application.

Conclusion

I decline jurisdiction to consider the tenant's application.

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: June 18, 2021

Residential Tenancy Branch