



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR-MT, MNDCT, PSF

Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution filed by the Applicant on December 09, 2021. The Applicant sought the following:

- To dispute a 10 Day Notice to End Tenancy Issued for Unpaid Rent or Utilities and for more time to dispute the notice
- For compensation for monetary loss or other money owed
- For an order that the Landlord provide services or facilities required by the tenancy agreement or law

The Applicant and Respondent appeared at the hearing. I explained the hearing process to the parties who did not have questions when asked. I told the parties they are not allowed to record the hearing pursuant to the Rules of Procedure (the "Rules"). The parties provided affirmed testimony.

The Applicant submitted evidence prior to the hearing. The Respondent did not submit evidence. I addressed service of the hearing package and Applicant's evidence and the Respondent confirmed receipt of these.

Jurisdiction Issue

It appears from the Applicant's materials that the Applicant and Respondent share kitchen facilities and therefore I addressed this issue with the parties. Both parties agreed they share a kitchen. The Respondent confirmed they own the rental unit.

I advised the parties that the *Residential Tenancy Act* (the “*Act*”) does not apply given section 4(c) of the *Act* which states:

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 Respondent agreed the *Act* does not apply to the parties.

I advised the parties I cannot decide the issues raised in the Application because the *Act* does not apply to the parties and therefore the RTB does not have jurisdiction to decide the Application. Given this, the Application is dismissed without leave to re-apply.

Conclusion

Pursuant to section 4(c) of the *Act*, the *Act* does not apply, and the RTB does not have jurisdiction to decide this matter. The Application is dismissed without leave to re-apply.

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: March 28, 2022

Residential Tenancy Branch