



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ET, FFL

### Introduction and Preliminary Matter

Pursuant to section 58 of the *Residential Tenancy Act* (the Act), I was designated to hear an application regarding a tenancy. In this application for dispute resolution, the Landlord applied on March 18, 2022 for:

- an order to end a tenancy early, pursuant to section 56 of the Act; and
- the filing fee.

The hearing teleconference was attended by the Landlord and the Tenant. They were affirmed and made aware of Residential Tenancy Branch Rule of Procedure 6.11 prohibiting recording dispute resolution hearings.

At the beginning of the hearing, the Landlord, who is the owner of the property, testified that she had shared bathroom and kitchen facilities with the Tenant before the Tenant vacated the unit on March 31, 2022.

Section 4(c) of the Act states that the Act does not apply to living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation.

As the Landlord has provided affirmed undisputed testimony that she shared kitchen and bathroom facilities with the Tenant, I find the living arrangement is not subject to the Act, and therefore does not fall within the jurisdiction of the Residential Tenancy Branch. Therefore, I decline to make a further decision on the matter.

Conclusion

I decline to rule on this matter, as I have no jurisdiction to consider it.

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 *Residential Tenancy Act*.

Dated: April 11, 2022

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Residential Tenancy Branch