



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      **FFT, CNR-MT, OLC, DRI, MNDCT, LRE, LAT  
FFL, OPR-DR**

### Introduction

This hearing dealt with an application by the tenants under the *Residential Tenancy Act* (the *Act*) for the following:

- Cancellation of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (“Ten Day Notice”) pursuant to section 46 and more time pursuant to section 66;
- An order requiring the landlord to comply with the Act pursuant to section 62;
- Cancellation of a Notice of Rent Increase pursuant to section 43;
- A monetary order for compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* (“*Regulation*”) or tenancy agreement pursuant to section 67 of the *Act*;
- An order to restrict or suspend the landlord’s right of entry pursuant to section 70;
- An order to authorize the tenant to change the lock pursuant to section 31;

This hearing also dealt with an application by the landlords under the *Residential Tenancy Act* (the *Act*) for the following:

- An order for possession under a 10-Day Notice to End Tenancy for Unpaid Rent (“Ten-Day Notice”) pursuant to sections 46 and 55;
- Authorization to recover the filing fee for this application pursuant to section 72.

The landlords attended. The tenants did not attend.

*Preliminary Issue – Jurisdiction*

The landlord provided evidence that this tenancy involves shared kitchen and bathroom between the landlord and the tenant.

As stated in the Act, the Act does not apply in circumstances where the tenant shares bathroom or kitchen facilities with the landlord. The applicable section of the Act states 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...***

Accordingly, I decline to hear this matter as I do not have jurisdiction to do so. The matters are dismissed without leave to reapply.

Conclusion

The applications are dismissed 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: April 08, 2022

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Residential Tenancy Branch