



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **OPR, OPC**

Introduction

This hearing was convened by way of conference call in response to the Applicant's application for dispute resolution ("Application") under the *Residential Tenancy Act* (the "Act") in which the Applicant seeks:

- an Order of Possession based on a 10 Day Notice to End Tenancy for Unpaid Rent and/or Utilities pursuant to section 46; and
- an Order of Possession based on a One Month Notice to End Tenancy for Cause pursuant to section 47.

The Applicant and Respondent attended the hearing and 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, I noted that the rental address stated "Room" as part of the rental address. When I asked whether the Applicant and Respondent shared kitchen and/or bathroom facilities in the residential property, they both stated they shared kitchen facilities.

Section 4(c) of the Act 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,
- [...]

I find the Applicant and Respondent share kitchen facilities. As such, section 4(c) of the Act states the Act does not apply to these living accommodations. Based on the above, I do not have jurisdiction to hear this dispute and I dismiss the 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: May 17, 2022

Residential Tenancy Branch