



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT, MNETC, FFT

Introduction

This hearing was convened by way of conference call concerning an application made by the tenants seeking a monetary order for money owed or compensation for damage or loss under the *Residential Tenancy Act*, regulation or tenancy agreement; a monetary order for compensation related to a Two Month Notice to End Tenancy for Landlord's Use of Property; and to recover the filing fee from the landlords for the cost of the application.

One of the tenants attended the hearing, gave affirmed testimony, and represented the other named tenant. Both landlords also attended, one of whom testified.

The parties agree that all evidence has been exchanged.

During the course of the hearing the landlord testified that an owner of the rental property resided in the rental unit during this tenancy. A copy of a City Tax Notice addressed to that person has been provided for this hearing. The tenant did not dispute that, however indicated that the person was there from time-to-time, and shared kitchen and bathroom facilities with the tenants. The person has belongings in one of the bedrooms.

The *Residential Tenancy Act* specifies that the *Act* does not apply to tenancies where the tenant(s) shares kitchen or bathroom facilities with the owner. I find that to be the case, and I declined jurisdiction.

Conclusion

For the reasons set out above, I decline jurisdiction with respect to this tenancy.

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 18, 2022

Residential Tenancy Branch