



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNRL, FFL

### Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution filed by the Applicant January 06, 2022. The Applicant sought the following:

- To recover unpaid rent
- Reimbursement for the filing fee

The Applicant appeared at the hearing with a witness who was not involved in the hearing until required. The Respondent did not appear at the hearing. I explained the hearing process to the Applicant. I told the Applicant they are not allowed to record the hearing pursuant to the Rules of Procedure (the "Rules"). The Applicant provided affirmed testimony.

### Service

The Applicant submitted evidence prior to the hearing. I addressed service of the hearing package and evidence. The Applicant confirmed the hearing package and evidence were sent to the Respondent at the email address noted in the substituted service decision issued by the RTB February 24, 2022. The Applicant confirmed the emails were sent March 10, 2022. Copies of these emails were in evidence.

I was satisfied based on the undisputed testimony of the Applicant and copies of the emails that the Respondent was served in accordance with the substituted service decision and therefore deemed to have received the materials March 13, 2022. Given I was satisfied of service, I proceeded with the hearing in the absence of the Respondent.

### Jurisdiction

The Applicant advised that they own the rental unit, lived in the rental unit with the Respondent and shared a kitchen with the Respondent during the tenancy.

Section 4 of the *Residential Tenancy Act* (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...

Given the Respondent did share kitchen facilities with the Applicant, who is the owner of the rental unit, the *Act* does not apply to the parties pursuant to section 4(c). Given this, the RTB does not have jurisdiction to decide this matter and the Application is dismissed without leave to re-apply.

### Conclusion

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: October 25, 2022

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Residential Tenancy Branch