



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

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DECISION

Introduction

The applicant sought compensation under the *Residential Tenancy Act* (the “Act”).

A hearing was held by teleconference and both parties attended.

Preliminary Issue: Shared Kitchen Facilities and Applicability of the Act

In reviewing the tenancy agreement, it appeared that the address of the rental unit was the same as the applicant (the landlord). The applicant confirmed that they had rented a room to the respondent and that both parties shared a kitchen.

Section 4 of the Act sets out the types of living accommodation to which the Act does not apply. One of those types of living accommodation, under subsection 4(c) of the Act, is “living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation.”

Given the facts of the living accommodation that existed from June 8, 2021 to July 1, 2021, when the respondent was renting a room from, and sharing a kitchen with the applicant, it is my finding that this application is outside the jurisdiction of the Act. Thus, I have no jurisdiction to resolve this matter. As noted during the hearing, the parties may resolve their dispute through the courts or the Civil Resolution Tribunal.

This decision is made on delegated authority under section 9.1(1) of the Act.

Dated: November 15, 2022

Residential Tenancy Branch