



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Code      OPC

This matter was convened to hear an Application for Dispute Resolution made by the Applicant on August 31, 2022. The Applicant seeks an order of possession, pursuant to the Residential Tenancy Act (the Act).

The Applicant and the Respondent attended the hearing and provided affirmed testimony.

The Applicant and the Respondent confirmed they lived together in a 1-bedroom unit owned by the Applicant. They acknowledged they shared kitchen and bathroom facilities until June 2022, at which time the Applicant moved out.

Section 4 of the Act confirms that the Act does not apply to living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation. In this case, I find that the parties lived together in the unit and shared kitchen and bathroom facilities. As a result, I find the Act does not apply to the living arrangement between the parties.

In addition, I accept that the Applicant moved out of the unit in June 2022. However, based on the evidence provided, I am not satisfied that a tenancy was created. The partial tenancy agreement submitted into evidence does not indicate the names of the parties and is not signed by the Respondent. The Applicant confirmed that the Respondent refused to do so.

Considering the above, I am not satisfied that the Act applies or that a tenancy agreement between the parties was created merely because the Applicant decided to move out of the unit. Therefore, I dismiss the application for lack of jurisdiction.

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: November 16, 2022

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Residential Tenancy Branch