



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Code MNDCT

Introduction

Pursuant to section 58 of the Residential Tenancy Act (the Act), I was designated to hear an application regarding the above-noted tenancy. The tenant applied for a monetary order for compensation for damage or loss under the Act, Residential Tenancy Regulation or tenancy agreement, pursuant to section 67.

Tenant CV (the tenant) and landlords JF, JG and LG attended the hearing. The landlords' witness GS also attended. All 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 all the parties were clearly informed of the Rules of Procedure, including Rule 6.10 about interruptions and inappropriate behaviour, and Rule 6.11, which prohibits the recording of a dispute resolution hearing. All the parties confirmed they understood the Rules of Procedure.

Per section 95(3) of the Act, the parties may be fined up to \$5,000.00 if they record this hearing: "A person who contravenes or fails to comply with a decision or an order made by the director commits an offence and is liable on conviction to a fine of not more than \$5,000.00."

Landlords JF and JG affirmed that landlord JG shared the bathroom with the tenant. Witness GS stated that he and landlord JG also shared the bathroom with the tenant.

The tenant testified that he did not share the bathroom with the landlords, as he had his bathroom. Later the tenant said that landlord JG used the tenant's bathroom. Later the tenant affirmed that he did not see the landlords using his bathroom.

I find the testimony provided by landlords JF, JG and witness GS consistent and convincing. I find the testimony provided by the tenant was contradictory, as the tenant first stated the landlords did not share the bathroom and later testified that landlord JG used the tenant's bathroom.

Based on the convincing testimony offered by landlords JF and JG and witness GS, I find the tenant and landlord JG shared the bathroom.

Section 4 of the Act provides:

This Act does not apply to
(c) living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation,

As landlord JG and the tenant shared the bathroom, pursuant to section 4(c) of the Act, I have no jurisdiction to hear this application.

After I rendered the above-mentioned decision, the tenant repeatedly asked questions related to this application. I informed the tenant that the Residential Tenancy Branch (RTB) does not provide legal advice. The tenant asked for RTB's phone number, and I provided it. I informed the tenant that the RTB only provides general information. The tenant inquired how to ask for the hearing's recording. I informed the tenant can request the recording by calling the RTB. The tenant inquired what is the application file number and I provided him with the application file number.

The tenant continued asking questions about this application and I informed him again that the RTB does not provide legal advice. I asked the tenant to disconnect from the hearing, and the tenant raised his voice and continued asking questions about this application.

I find the tenant was seeking legal advice and had inappropriate behaviour by raising his voice. I clearly explained my decision and provided the parties with general information about this application, including providing the application file number and the RTB's phone number. I disconnected the tenant seven minutes after I rendered the decision.

Conclusion

I decline jurisdiction to consider 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: March 31, 2023