



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes **CNL, RP, OLC**

Introduction

This hearing dealt with an application by the tenant pursuant to the Residential Tenancy Act (“the Act”) for orders as follows:

- cancellation of the landlord’s Two Month Notice to End Tenancy for the Landlord’s Use pursuant to section 49 of the Act
- for an order requiring the landlord to make repairs to the property pursuant to section 32 of the Act
- for an order requiring the landlord to comply with the Act, regulations or tenancy agreement pursuant to section 62 of the Act

Both parties attended the hearing with the landlord TD appearing along with translators DG and AC and witnesses CP and YK . The tenant BR appeared for himself.

The hearing was conducted by conference call. The parties were reminded to not record the hearing pursuant to Rule of Procedure 6.11. The parties were affirmed. All parties were given a full opportunity to be heard, to present testimony, to make submissions, and to call witnesses.

The tenants confirmed receipt of the Two Month Notice to End Tenancy (“Two Month Notice”) dated February 7, 2023 with an effective date of April 8, 2023, and the landlord’s materials in response to the dispute notice. The landlord confirmed receipt of the dispute notice and the tenant’s materials. Service for both parties complies with sections 88 and 89 of the Act.

Jurisdiction

At the outset of the hearing the landlord advised that the rental unit is a single family dwelling. There are four units on the main floor. The landlord occupies one of the units. The tenant also occupies one of the units. The units on the main floor all share a common kitchen.

Section 4 of the Act states that the Act does not apply to living accommodation where the tenant shares a kitchen or bathroom facilities with the owner of the accommodation. The tenant and the owner of the accommodation are sharing kitchen facilities. Therefore the Act does not apply to this tenancy and I have no jurisdiction over this matter.

Conclusion

I have no jurisdiction over 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: April 04, 2023

Residential Tenancy Branch