



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes ET, FFL

Introduction

This hearing was scheduled to deal with a landlord's application for an order to end the tenancy early and obtain an Order of Possession under section 56 of the Act.

Two of the named landlords appeared for the hearing and were affirmed. There was no appearance on part of the named tenant.

The landlord testified that the hearing materials were attached to the rental unit door on April 25, 2023. I was satisfied the tenant was duly served in a manner that complies with the Act and I continued to hear from the landlords.

Preliminary Issue – Jurisdiction

The landlords testified that the named tenant rented a bedroom on the upper floor of the house and shares access to the kitchen and bathroom with one other person, the other named landlord in this application, referred to by initials HM.

I enquired as to whether HM is a registered owner of the residential property to which the landlords testified that HM is a registered owner of the property and they have documentation to prove that.

The *Residential Tenancy Act* applies to rental units, residential property, and tenancy agreements, except where exempted under section 4 of the Act.

My authority to resolve disputes and issue orders is given to me under the *Residential Tenancy Act*. Accordingly, the Act must apply in order for me to resolve a dispute and issue any order.

Section 4 of the Act provides for the following exemption from the Act:

What this Act does not apply to

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,

[My emphasis underlined]

Having heard that HM is an owner of the subject property and HM shares kitchen and bathroom facilities with the respondent, **I find the *Residential Tenancy Act* does not apply to the living arrangement the named tenant has at the subject property** and I decline to accept jurisdiction in this matter.

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: May 12, 2023

Residential Tenancy Branch