



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, MNRT, MNDCT, PSF, OLC

Introduction

This hearing was scheduled to convene at 11:00 a.m. on November 7, 2023 concerning an application made by the tenant seeking the following relief:

- an order cancelling a notice to end the tenancy for unpaid rent or utilities;
- a monetary order for the cost of emergency repairs;
- a monetary order for money owed or compensation for damage or loss under the *Residential Tenancy Act*, regulation or tenancy agreement;
- an order that the landlord provide services or facilities required by the tenancy agreement or the law; and
- an order that the landlord comply with the *Act*, regulation or tenancy agreement.

The landlord attended the hearing with another person to assist, and gave affirmed testimony. However, the line remained open while the telephone system was monitored for 10 minutes prior to hearing any testimony, and no one for the tenant joined the call.

The landlord submitted that all evidence of the parties has been exchanged, all of which has been reviewed.

The landlord also submitted that no tenancy was created; the tenant shared the kitchen and bathroom with the owner, who is the landlord. The tenant stayed in the home with the landlord for a time and paid no rent. The tenant vacated on or about October 27, 2023.

Analysis

The *Residential Tenancy Act* specifies that the *Act* does not apply to tenancies where the tenant shares kitchen or bathroom facilities with the owner. The tenant has not joined the hearing to dispute that testimony.

My authority is under the *Residential Tenancy Act*. Since the landlord has indicated that the tenant shared kitchen and bathroom facilities with the owner, I decline jurisdiction in this dispute.

Conclusion

For the reasons set out above, I hereby decline jurisdiction to hear or decide on the merits of the tenant's 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: November 07, 2023

Residential Tenancy Branch