

DECISION

Dispute Codes:

CNC, OLC, FF

Introduction

This is the Tenant's application to cancel a Notice to End Tenancy for Cause; for an Order that the Landlord comply with the Act; and to recover the cost of the filing fee from the Landlord.

Preliminary Matter

The rental unit is in the basement of a house. The Landlord lives in the main suite of the same house. At the onset of the Hearing, the Tenant advised that he shared kitchen facilities with the Landlord, using the stove and the microwave. The Landlord testified that the Tenant only used the microwave in her suite.

The Landlord testified that she is the owner of the property. Both parties provided a copy of the tenancy agreement in evidence, which includes an addendum that states:

“Youre aware that city doesn't allowed stove downstairs you can cooked upstairs”.

(direct quote from the addendum)

Analysis

Section 4(c) of the *Residential Tenancy Act* (the “Act”) states:

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

I have no jurisdiction in this matter. The Tenant's application is dismissed without leave to reapply.

Conclusion

The Tenant's application is dismissed without leave to reapply.

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: September 29, 2009