



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC

This hearing dealt with an Application for Dispute Resolution by the applicant to cancel a notice for cause, which was received on October 9, 2012.

Both parties appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions at the hearing

### Preliminary issue

The first issue that I must decide is whether the Act has jurisdiction over the parties in order to proceed with the application.

The applicant agreed that she was renting a room from the owner and they shared the accommodation, including the kitchen and bathroom.

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

### **Section 4 of the Residential Tenancy Act States**

**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,

In this case, the application was sharing the accommodations with the owner of that accommodation. As a result, I find that there is no jurisdiction to proceed with this application and I dismiss the application without leave to reapply.

### Conclusion

The applicant's application is dismissed without leave to reapply due to the lack of jurisdiction under the Act.

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 28, 2012.

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Residential Tenancy Branch