



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD OLC

This matter was set for hearing by telephone conference call at 12:00 p.m. on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the respondent. Therefore, as the applicant did not attend the hearing by 12:10 p.m., and the respondent appeared and was ready to proceed, I dismiss the claim without leave to reapply.

The respondent requested that I make a finding that the arrangement between the applicant and the respondent does not fall under jurisdiction of the Act, on the ground that she, the owner, shared a kitchen and bathroom with the applicant.

I find that as the applicant did not appear, it is not appropriate for me to make a finding regarding jurisdiction in this case. I note, however, that under section 4, if an owner does share a kitchen or bathroom with a tenant, then the arrangement between the parties does not fall under the jurisdiction of the *Residential Tenancy 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: July 19, 2016

Residential Tenancy Branch