



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

Dispute Codes: MNR, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and recovery of the filing fee for this application. The landlord participated in the hearing and gave affirmed testimony. Despite being served by way of registered mail with the application for dispute resolution and notice of hearing, the tenant did not participate in the hearing. As the tenants have removed their possessions from the rented facility, the landlord withdrew his earlier application for an order of possession.

Issue to be Decided

- Whether the landlord is entitled to a monetary order under the *Act*

Background and Evidence

The landlord seeks a monetary order for 12 months of unpaid rent in the total amount of \$3,600.00. The dispute concerns a detached garage which is rented exclusively for the purposes of storage.

Analysis and Conclusion

Section 1 of the *Act* defines “rental unit” as meaning “living accommodation rented or intended to be rented to a tenant.”

Section 2 of the *Act* sets out what the *Act* applies to and states, in part, as follows:

2(1) Despite any other enactment but subject to section 4 [*what this Act does not apply to*], this Act applies to tenancy agreements, rental units and other residential property.

I find that the garage which is the subject of this dispute does not fall within the scope of statutory authority set out in the *Act*. Accordingly, I dismiss the landlord's application without leave to reapply and I dismiss the landlord's application for recovery of the filing fee.

DATE: December 4, 2008

Dispute Resolution Officer