

DECISION AND REASONS

This application was brought by the landlord seeking a Monetary Order for \$25,000 for unpaid rent, damage to the rental unit, losses under the legislation or rental agreement and recovery of the filing fee for this proceeding and authorization to retain the security deposit in set off against the balance owed.

At the commencement of the hearing, the tenant confirmed that the tenant is a society that provides residential treatment programs, among others, for clients in recovery from addiction. He stated that, during the tenancy, the society had housed approximately 20 residents in the rental unit.

That submission called into question whether the subject tenancy fell within the jurisdiction of the *Residential Tenancy Act*. Section 4(g)(vi) of the *Act* states that, among other things, the *Act* does not apply to living accommodation “that is made available in the course of providing rehabilitative or therapeutic treatment or services.” For that reason, I declined to hear this matter for want of jurisdiction.

In addition, I find that jurisdiction is brought into question by section 4(d) of the *Act* which excludes living accommodation included with the premises which are primarily occupied for business purposes and are rented under a single agreement.

The landlord made argument that the application had been accepted and that, in fact, this tenancy had been the subject of a previous hearing in which jurisdiction had been accepted. I find that neither point compels me to take jurisdiction on a matter that I find to be expressly precluded by the *Act*. Therefore, the application is dismissed for want of jurisdiction and the applicant is advised to seek out and make application with the appropriate court.

Dated April 17, 2009.

Dispute Resolution Officer