



Dispute Resolution Services

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

Decision

Dispute Codes: CNR, OLC, OPT, FF

Introduction

This hearing dealt with an application from the tenant for cancellation of a notice to end tenancy for unpaid rent, an order for the landlord to comply with the Act, an order of possession for the rental unit, and recovery of the filing fee for this application. Both parties participated in the hearing and gave affirmed testimony.

Issues to be Decided

- Whether the tenant is entitled to any or all of the above

Background and Evidence

There is no evidence of a written residential tenancy agreement for this tenancy which began on or around February 9, 2009. By way of verbal agreement the monthly rent was \$2,150.00. It appears the tenancy ended on or around March 31, 2009 pursuant to written notice from the landlord. The dispute concerns whether or not the parties had agreed that February would be rent free. The tenant claims there was such an agreement, whereas the landlord claims there was not, and that rent for February is still outstanding. The tenant described the function of the rental unit as a “transition shelter” and “a recovery house for second stage drug and alcohol recovery.”

Analysis

Section 4 of the Act speaks to **What this Act does not apply to**, and provides, in part, as follows:

4 This Act does not apply to

(f) living accommodation provided for emergency shelter or transitional housing,

(g) living accommodation

(vi) that is made available in the course of providing rehabilitative or therapeutic treatment or services

Pursuant to the above statutory provisions, I find that the dispute between the parties falls outside of the jurisdiction of the Act.

Conclusion

Pursuant to all of the above information, I hereby dismiss the application.

DATE: May 11, 2009

Dispute Resolution Officer