



Dispute Resolution Services

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

Decision

Dispute Codes: CNC

Introduction

This hearing dealt with the tenant's application for cancellation of the landlord's 1 month notice to end tenancy for cause. Both parties attended the hearing.

Background and Evidence

The tenant states that her tenancy began on or about April 1, 2008. The landlord served a 1 month notice to end tenancy for cause dated June 30, 2009. The notice was served in person on the tenant on that same date. A copy of the notice was submitted into evidence. Notwithstanding that the notice was issued on what is now an out-of-date form, the notice identifies July 31, 2009 as the date by when the tenant must vacate the unit. The essential reason cited on the notice for its issuance is the tenant's alleged failure to comply with rules related to smoking. The tenant applied to dispute the notice within ten (10) days after receiving it.

The landlord's agent stated that the tenant's unit is part of a housing cooperative which is run by the housing society. In the result, the landlord's agent states that this dispute falls outside of the jurisdiction of the Act. The tenant did not dispute the assertions of the landlord's agent where it concerns the relationship between the housing cooperative and the housing society.

During the hearing the landlord's agent undertook to reassure the tenant that an official from the housing society will be in contact with her to discuss the safety concerns related to her smoking. The hope is that a meeting may assist the parties to resolve the dispute around smoking which appears to be related to safety concerns. Pending such

a meeting, during the hearing the landlord's agent reassured the tenant that her tenancy remains in effect.

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

(a) living accommodation rented by a not for profit housing cooperative to a member of the cooperative,...

Based on the documentary evidence and testimony of the parties, I find that the circumstances of this dispute fall outside of the jurisdiction of the Act.

Conclusion

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

DATE: August 31, 2009

Dispute Resolution Officer