



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OLC

No hearing was held because at the time of the hearing it was determined that the Residential Tenancy Act has no jurisdiction over this matter, as this accommodation is excluded from the Act.

Section 4(g)(v) of the Residential Tenancy Act states:

What this Act does not apply to

4 This Act does not apply to

(g) living accommodation

(v) in a housing based health facility that provides
hospitality support services and personal health care,

At the hearing both the landlord and the tenant testified that nursing services are provided, as well as meals are provided.

Therefore it is my decision that these accommodations meet the above criteria for exclusion from the Act and I decline jurisdiction and will not hear the merits of this case.

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: December 02, 2009.

Dispute Resolution Officer