



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes ERP, LRE, O, PSF, RP, RR

Introduction

Having heard the evidence of the parties, under oath, and having given the parties the opportunity to give their evidence orally and to provide written and documentary evidence, and to cross-examine the other party, and to make submissions to me, I have determined:

Issues(s) to be Decided

The first issue I dealt with was whether or not the Residential Tenancy Act as jurisdiction over this matter.

Background and Evidence

The landlord testified that:

- The applicant is renting the unit in his hotel on a daily basis and does not pay a monthly rent.
- No security deposit was paid on this rental unit because it is not a residential tenancy it's a daily rental.
- The tenant has not paid any rent on the unit since August 26, 2009 and refuses to vacate.
- Furniture is supplied for the tenants however they are allowed to bring in more if they so wish.

The landlord therefore argues that the Residential Tenancy Act, has no jurisdiction over this dispute.

The tenant testified that:



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- She has rented this unit at \$25 per day however she has paid rent in advance, usually one week at a time and once before, one month at a time.
- She even had to supply your own furniture and therefore she believes that this tenancy is under the Residential Tenancy Act.

Analysis

The tenant claims to have receipts to show that she has paid on a weekly or monthly basis however she has supplied no evidence to this hearing.

The tenant admits she has not paid a security deposit, and also admits that rent is \$25 per day.

It is my finding that the evidence does not support the tenant's claim that this tenancy falls under the Residential Tenancy Act

This is a daily rental hotel and therefore the Residential Tenancy Act has no jurisdiction over this matter.

Conclusion

I declined jurisdiction over this matter and the parties must look to some other jurisdiction to resolve this dispute.

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 15, 2009.

Dispute Resolution Officer