

DECISION

Dispute Codes DRI, FF,

This is an application by the Tenant for a dispute of an additional rent increase, the Tenant is also seeking recovery of the filing fee.

Both parties attended by conference call.

The Landlord contends that the Residential Tenancy Act does not apply. The Landlord states that the city is simply renting a small portion of unsubdivided bare land to the applicant for seasonal recreational use. There is not “rental unit” in this case. The fixed term agreement between the applicant and the City of Salmon Arm expired on October 31, 2010 and that the agreement was a license to occupy, not a tenancy agreement. The Tenant confirms that the agreement is for land use only and that no accommodations are provided by the City.

A “rental unit” is defined by the Residential Tenancy Act as, living accommodation rented or intended to be rented to a tenant.

I find that the applicant has failed to establish jurisdiction in this matter and as such dismiss this application.

Conclusion

The Tenant’s application is dismissed.

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: November 29, 2010.

Dispute Resolution Officer