



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNR, O

Introduction

This hearing dealt with an application by the tenant to cancel a Notice to End Tenancy for Unpaid Rent and other. The landlord participated in the conference call hearing but the tenant(s) did not.

Preliminary Issue

Before considering the merits of this Application for Dispute Resolution I must determine whether I have jurisdiction in this matter.

Summary of Background and Evidence

This is in regards to an agreement for rental of a workshop to be used for vehicle repair. This rental agreement falls under the Commercial Tenancy Act and not the Residential Tenancy Act.

Residential Tenancy Policy Guideline

27. Jurisdiction

6. COMMERCIAL TENANCIES

The Residential Tenancy Act⁵ provides that the Act does not apply to living accommodation included with premises that

- i) **are primarily occupied for business purposes**

Conclusion

I hereby dismiss the Tenant's Application for Dispute Resolution as his claim does not fall under the *Act*. The Tenant has the option of pursuing his claim through the Supreme Court of British Columbia.

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 2, 2010

Dispute Resolution Officer