

## **DECISION**

Dispute Codes      OPT

### Introduction

This hearing dealt with an application to obtain an Order of Possession for the rental unit or suite pursuant to section 54 of the *Residential Tenancy Act* (the *Act*).

Both parties attended this hearing and were given a full opportunity to be heard, to present evidence and to make submissions. The applicant testified that he handed a copy of his application for dispute resolution to one of the respondent's representatives on November 1, 2010. The respondent confirmed receiving a copy of the application. I am satisfied that the applicant served a copy of his application to the respondent in accordance with the *Act*.

### Issues(s) to be Decided

Does the relationship between the applicant and the respondent fall within the terms of the *Residential Tenancy Act*? If so, is the applicant entitled to an Order of Possession from the respondent?

### Background and Evidence

The applicant commenced living in the premises in question on September 14, 2010. The applicant maintained that the respondent's acceptance of his Notice of Intent to Rent created a residential tenancy. He maintained that the respondent has not provided him with proper notification that he must leave the rental unit where he was living. He is now staying in the respondent's shelter which falls outside the jurisdiction of the *Act*.

The respondent testified that the applicant is not a tenant under the *Act*. The respondent said that the applicant enrolled in a program called "Breaking the Cycle of Homelessness." The respondent said that this Program provides living accommodation that is made available in the course of providing rehabilitative or therapeutic treatment.

He also described this housing as transitional housing which does not fall within the *Act*. He said that the applicant's circumstances fell within subsections 4(f) and 4(g)(vi) of the *Act*, and as a result, the applicant's accommodation with the respondent when he was taking this program did not fall under the *Act*.

### Analysis

Subsections 4(f) and 4(g)(vi) of the *Act* read in part as follows:

#### ***What this Act does not apply to***

**4** *This Act does not apply to...*

*(f) living accommodation provided for emergency shelter or transitional housing,*

*(g) living accommodation...*

*(vi) that is made available in the course of providing rehabilitative or therapeutic treatment or services,...*

I accept the landlord's undisputed evidence that the applicant was staying at the premises under the terms of a rehabilitative or therapeutic treatment program, a program intended as a transitional housing initiative. As such, in accordance with section 4 of the *Act*, I have no jurisdiction to render a decision in this matter.

### Conclusion

I dismiss this application as I have no jurisdiction to render a decision.