



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNC

Introduction

This matter dealt with an application by the Tenant to cancel a One Month Notice to End Tenancy for Cause dated November 6, 2010. The oral hearing via teleconference started at 11:00 a.m. as scheduled, however the Tenant/Applicant did not dial into the conference call and the hearing was conducted in his absence.

At the beginning of the hearing, the Landlords' agents confirmed that the spelling of the name of the rental property (which is also one of the Landlords named on the Tenant's application) was incorrect. As a result, the name of one of the Landlords on the Tenant's application is amended to correct the spelling.

At the beginning of the hearing, the Landlord's agent (A.G.) claimed that the rental unit in question is transitional housing. In particular, the Landlord's agent said that the rental property is a rooming house for persons who have been homeless, for example, and they reside there temporarily until they can be placed in longer term accommodations operated by B.C. Housing. The Landlord's agent said that the Tenant is currently on a list waiting to be placed in more permanent accommodations.

Section 4(f) of the Act says that "the Act does not apply to living accommodation provided for emergency shelter or transitional housing." Based on the evidence of the Landlords, I find that the rental unit is transitional housing and therefore the Act does not apply to this dispute.

Conclusion

The Tenant's application is dismissed without leave to reapply for lack of jurisdiction. 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, 2010.

Dispute Resolution Officer