



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MNR MNDC O

Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenant to obtain a Monetary Order for the cost of emergency repairs, for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement, and for other reasons.

No one attended the teleconference hearing on behalf of the applicant; however Legal Counsel for the respondent appeared.

Issue(s) to be Decided

1. Does this tenancy fall within the jurisdiction of the *Residential Tenancy Act*?

Background and Evidence

Legal Counsel advised the company name listed as the respondent to this dispute is a property manager and is not the landlord. He confirmed the landlord is a non-profit housing cooperative to which the applicant paid a membership fee to belong. As per his letter of February 15, 2011, which was submitted as evidence, the *Residential Tenancy Act* does not apply to this situation.

Analysis

Section 4(a) of the *Act* states that this *Act* does not apply to living accommodation rented by a not for profit housing cooperative to a member of the cooperative.

The evidence supports that the applicant to this dispute is a member of the cooperative and is occupying the unit rented to him by the housing cooperative. Therefore, the *Residential Tenancy Act* does not apply in this situation and I hereby dismiss the application, without leave to reapply.

Conclusion

I HEREBY DISMISS the application, without leave to reapply, for want 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: March 31, 2011.

Residential Tenancy Branch