



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

Decision

Dispute Codes: MNDC, OLC

Introduction

This hearing was convened in response to the tenant's application for a monetary order as compensation for damage or loss under the Act, regulation or tenancy agreement / and an order instructing the landlord to comply with the Act, regulation or tenancy agreement. Both parties participated in the hearing and gave affirmed testimony.

Issues to be decided

- Whether the tenant is entitled to either of the above under the Act, regulation or tenancy agreement

Background and Evidence

Pursuant to a written tenancy agreement, the month-to-month tenancy began on October 1, 2007. Currently, the monthly rent is \$387.00. The tenant described a range of miscellaneous concerns related to her tenancy which include, but are not necessarily limited to, allegations that there are continuous breaches to her right to quiet enjoyment.

Agent for the landlord, "MC" pointed out that the tenancy agreement documents clearly that the unit is situated within "transitional housing, outside of the RTO jurisdiction." He also testified that previous applications have been filed in which the dispute resolution officer found that the accommodation is outside of the jurisdiction of RTO. In some detail, "MC" described the nature of housing provided by the landlord in particular regard to its being "transitional."

Despite the above, during the hearing the parties undertook to schedule a meeting in order to discuss the tenant's concerns.

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca/

Section 4 of the Act speaks to **What this Act does not apply to**, and provides in part as follows:

4 This Act does not apply to

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

Based on the documentary evidence and testimony of the parties, I find that the accommodation which is the subject of this application is indeed “transitional housing.” In the result, I further find that the Act does not apply to the circumstances of the dispute. The application must therefore be dismissed.

However, the parties agreed to meet in order to discuss the tenant’s various concerns. The particulars for the meeting are as follows:

Office

Wednesday, June 8, 2011

1:00 p.m.

Conclusion

In the absence of statutory jurisdiction, the tenant’s application is hereby 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*.

DATE: June 2, 2011

Residential Tenancy Branch