



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

Decision

Dispute Codes: MNR, MNSD, FF

Introduction / Background / Analysis

This hearing dealt with the landlord's application for a monetary order as compensation for unpaid rent / retention of the security deposit / and recovery of the filing fee. Both parties participated in the hearing and gave affirmed testimony.

At the outset of the hearing the landlord confirmed that as the tenants have now vacated the unit, he no longer seeks an order of possession.

Pursuant to a written tenancy agreement, the fixed term of tenancy is from January 15, 2011 to February 28, 2012. Monthly rent began as \$1,600.00 for 3 units, but later became \$2,700.00 as more units were made available. A security deposit of \$2,000.00 was collected.

Rent was paid up to the end of April 2011. Arising from rent which was unpaid when due for May 2011, the landlord issued a 10 day notice to end tenancy for unpaid rent dated May 6, 2011. Subsequently, the tenants made no further payment toward rent and vacated the unit early in May 2011. However, the landlord claims that as many possessions were not immediately removed from the unit, and the unit was in need of cleaning and repairs, he was unable to re-rent the unit for June 2011.

The parties agreed during the hearing that the unit was used as a recovery facility for persons with alcohol and other substance abuse problems.

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

(g) living accommodation

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

Based on the documentary evidence and testimony of the parties, I find that as the unit was used for accommodation in association with a rehabilitative and treatment services, the Residential Tenancy Branch has no jurisdiction to hear the dispute under the Act.

Conclusion

In the absence of statutory jurisdiction to hear the dispute, the 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 15, 2011

Residential Tenancy Branch