

DECISION

Dispute Codes: MNDC

Introduction

Application was made by the tenant on April 18, 2011 seeking return of one month's rent on the claim that she was evicted without notice on January 20, 2011 and the landlord processed her income assistance cheque for February 2011.

While the tenant stated that she had served the landlord by registered mail, she was unable to locate the tracking number. As no one appeared for the landlord, I found that the hearing could not proceed without proof of service.

However, in attempting to determine the appropriate disposition of the matter, I ascertained from the tenant that the landlord in question is a residential recovery facility and I have exercised the discretion granted under section 64(3)(c) of the Act to amend the application accordingly.

Section 4 of the *Act* sets out types of housing facilities that are not within the jurisdiction of the *Residential Tenancy Act* and includes at subsection (g)(vi) living accommodation, "that is made available in the course of providing rehabilitative or therapeutic treatment or services."

Therefore, I find that the respondent landlord is excluded from the jurisdiction of the *Act* and dismiss the application for that reason.

August 9, 2011