



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNC, MNDC

Introduction

This hearing dealt with an application by the tenant for an order to set aside a notice to end tenancy for cause. The tenant also applied for compensation under the *Act*. Both parties attended the hearing and had opportunity to be heard.

The dispute rental unit consists of a room in a home that is occupied by tenants who are in the process of recovery from substance dependency.

Issue to be Decided

Does this matter fall within the jurisdiction of the *Residential Tenancy Act*? If so, does the landlord have grounds to end this tenancy? Is the tenant entitled to compensation under the *Act*?

Background and Evidence

The landlord testified that the home is operated under the jurisdiction of the *Community Care and Assisted Living Act* and therefore is not regulated under the *Residential Tenancy Act*. The landlord filed a copy of his business license, to support his testimony.

Analysis

Section 4 of the *Residential Tenancy Act* sets out exclusions from the *Act*. The landlord took the position that one of the exclusions applied to this living arrangement. Pursuant to section 4(g)(1) the *Act* does not apply to living accommodation in a community care facility under the *Community care and Assisted Living Act*. Therefore the *Act* does not apply and accordingly I decline to proceed due to a lack of jurisdiction.

Conclusion

The tenant's application is dismissed in its entirety.

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: January 03, 2012.

Residential Tenancy Branch