



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This matter dealt with an application by the landlord for an Order of Possession for unpaid rent; a Monetary Order for unpaid rent; and to recover the filing fee from the tenant for the cost of this application.

At the outset of the hearing the landlord testified that this unit is a storage facility and the tenant sublet it original from the tenant who was renting the main house. After that tenant moved from the main house this tenant continued to rent the garage as a storage facility from the landlord for a monthly rent of \$250.00. The landlord testifies there is no electricity or gas to this garage and there is no bathroom or kitchen facilities contained within the garage. The landlord states the tenant has boxes of files and a coffee maker and cot in the garage where he occasional stays if he is in town.

I have carefully reviewed the evidence presented and have concluded from the evidence that this is not a residential property but is a storage facility rented for the tenants use. Section 2 of the *Residential Tenancy Act (Act)* states: Despite any other enactment but subject to section 4 [*what this Act does not apply to*], this Act applies to tenancy agreements, rental units and other residential property. Therefore, it is my decision that this unit is rented as a storage facility and not as a residential unit and the *Act* does not apply in these circumstances.

Consequently, I decline jurisdiction in this matter and the landlord's application is dismissed without leave to reapply.

The landlord is at liberty to seek legal remedy in another venue.

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: November 07, 2011.

Residential Tenancy Branch