



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, OPT

Introduction

This conference call hearing was convened in response to the tenant's application for an Order of Possession of the rental unit, and a monetary order for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement.

Both parties attended the hearing and provided affirmed testimony. They were given a full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the tenant entitled to a Monetary Order, and if so for what amount?

Is the tenant entitled to an order of possession?

Background and Evidence

At the outset the landlord described the rental property as a facility that provides hospitality support services as well as having a medical team on staff to provide therapeutic treatment.

The landlord stated that the tenant was evicted as a result of an assault, and that she was provided alternative accommodations, and that the tenant was accepted in a housing program. The tenant stated that she did not agree with the eviction and claimed 7 days' accommodation at a nearby hotel and possession of the rental unit.

During the hearing, the parties exchanged views on the circumstances of this dispute and undertook to further discuss and achieve an informal resolution.

Analysis

The tenant confirmed that hospitality support services are provided. Section 4 of the Act states in part that the Act does not apply to living accommodation in a housing based health facility that provides hospitality support services, personal health care, or rehabilitative or therapeutic treatment or services.

Conclusion

As a result, I decline to find jurisdiction to resolve this dispute.

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: May 29, 2012.

Residential Tenancy Branch