



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, OPC, MNR, MNSD, FF

Introduction

This matter dealt with an application by the Landlord to end the tenancy and for an Order of Possession, for monetary compensation for unpaid rent, to retain the Tenant's security deposit and to recover the filing fee for this proceeding.

The Applicant's evidence showed she served the Respondent with the Application and Notice of Hearing (the "hearing package") by registered mail on June 5, 2012. Based on the evidence of the Applicant, I find that the Respondent was served with the Applicant's hearing package as required by s. 89 of the Act and the hearing proceeded with both parties in attendance.

At the start of the conference call it was determined that the tenancy agreement was a commercial lease on a shop used by the Tenant for the storage of equipment. Both the Tenant and the Landlord said the Tenant did not live in the rental unit. Consequently this is not a residential tenancy agreement between the Applicant and the Respondent; therefore I do not have jurisdiction to make a finding in this matter. The applicant may want to seek legal advice to determine how to proceed with her claims.

In the absence of evidence to show that this tenancy between the Applicant and Respondent is a **residential tenancy**; I find the Residential Tenancy Branch does not have jurisdiction in this situation. I dismiss the application as I find no authority to decide this matter under the *Residential Tenancy Act*.

Conclusion

The application is dismissed for lack of jurisdiction

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*.

Residential Tenancy Branch