



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing was convened pursuant to an application by the tenant to cancel a notice to end tenancy for cause. The tenant, two advocates for the tenant and two agents for the landlord participated in the teleconference hearing.

Preliminary Issue - Jurisdiction

The respondent society submitted that this matter does not fall under the jurisdiction of the Residential Tenancy Act, because they provide transitional housing. The society submitted that the applicant is a participant in the society's transitional housing program, whereby the participant will stay in the residence for a maximum of two years, but they may leave earlier if they are ready to move on. The society provides the participants services including dispensing of medication, case planning, helping participants find other housing through their outreach teams and where appropriate providing post-program assistance.

The applicant submitted that she has been a resident at this location for a year, and she does not live on the first floor, which is where the shelter is located.

Analysis

I find that this housing relationship between the applicant and the respondent falls within the definition of transitional housing. The additional services that the society provides the applicant and the flexible nature of the term of the residency are features of the agreement that I find are more reflective of transitional housing than residential tenancy under the Act. I therefore find that I do not have jurisdiction to hear this dispute.

Conclusion

I decline to hear this matter, as it does not fall under the jurisdiction of the *Residential Tenancy Act*.

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 31, 2013

Residential Tenancy Branch