



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OLC, LAT, FF

Introduction

This hearing was scheduled in response to the tenant's Application for Dispute Resolution, in which the tenant requested an Order the landlord comply with the Act and that access be allowed to or from the unit by the tenant or the tenant's guests.

This matter was set for hearing at 10:30 a.m. on this date. The applicant/tenant did not attend. The landlord was present at the scheduled start time of the hearing.

The landlord provided affirmed testimony that they received the tenant's hearing package. The landlord supplied nineteen pages of evidence which was personally given to the tenant on February 4, 2014. The landlord submitted a note, issued on February 4, 2014, that is signed "received papers." The landlord said that this was the tenant's notation, confirming he had received the evidence.

The landlord stated that a previous tenancy, with the same tenancy agreement, was determined to be outside the jurisdiction of the Act, as the landlord offers transitional housing.

The landlord provided a copy of a "Transitional Tenancy Agreement" signed by the tenant on August 2, 2011. The agreement indicates that the tenancy is not governed by the Residential Tenancy Act, but by the policies of the "Safe and Supportive Housing policies." The tenant agreed to meet with the staff regularly to review his tenancy and adjust housing arrangements if deemed necessary.

The landlord said that tenants can expect to remain with them for up to 3 years; depending upon their individual needs. The landlord provides housing until the tenant can obtain subsidized housing through BC Housing, until they can enter treatment programs, while they under treatment or awaiting transition to nursing homes. The landlord operates 6 buildings in Vancouver, all with the same goal of assisting individuals to transition to more permanent subsidized or market housing.

Section 4 of the Act defines the types of housing that are not governed by the Act and section 4(f) provides:

(f) living accommodation provided for emergency shelter or transitional housing,

Therefore, I find, from the evidence before me that this housing arrangement is transitional in nature and, pursuant to section 4 of the Act, that jurisdiction is declined.

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: March 05, 2014

Residential Tenancy Branch

