



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, CNR, FF

Introduction

This hearing was convened in response to an application by the Tenant and an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) as follows for:

The Landlord:

1. An Order of Possession - Section 55;
2. A Monetary Order for unpaid rent or utilities - Section 67;
3. A Monetary Order for damages to the unit – Section 67;
4. A Monetary Order for compensation – Section 67; and
5. An Order to recover the filing fee for this application - Section 72.

The Tenant:

6. An Order cancelling notices to end tenancy - Section 47;
7. An Order to recover the filing fee for this application - Section 72.

The Tenants and Landlord were each given full opportunity to be heard, to present evidence and to make submissions under oath.

Issue(s) to be Decided

Is the dispute under the jurisdiction of the Act?

Background and Evidence

The Tenant submissions indicate that the Tenants received a notice to end tenancy for cause on January 21, 2014. The Parties agree as follows: An agreement was entered

into between the Parties for the Tenants to occupy a home situated on a chicken farm in exchange for managing the business and the terms are included under one agreement.

Analysis

Section 4 of the Act provides that the Act does not apply to living accommodation included with premises that are primarily occupied for business purposes and are rented under a single agreement. Based on the agreed evidence of the Parties, it appears that the agreement between the Parties goes beyond a tenancy. It is more a business arrangement where the house is included with a farm that is primarily occupied for business purposes and that there is a single agreement covering the occupation of the house and the work on the business. As such I find on a balance of probabilities that there is no jurisdiction under the Act to consider the dispute and I dismiss the Tenant's application.

Conclusion

The Tenant's application is dismissed.

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 18, 2014

Residential Tenancy Branch

