



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Ford Road Housing Cooperative  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      LRE, O

### Introduction

This hearing dealt with the Applicant's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an order to suspend or set conditions on the Respondents' right to enter the rental unit pursuant to section 70; and
- other unspecified remedies.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another. The Applicant testified that he handed a copy of his dispute resolution hearing package to the Respondents' office in March 2014. Although the Respondents' counsel said that the Respondents had not received the Applicant's dispute resolution hearing package, he was aware of the application after having contacted the Residential Tenancy Branch after the Applicant contacted Respondent RM to tell her about his application.

The Applicant testified that he has vacated the co-operative housing complex and was no longer interested in pursuing his application.

### Issues(s) to be Decided

Does this application fall within the jurisdiction of the *Act*?

### Background and Evidence

The legal counsel for the Respondent, FRHC, sent an April 8, 2014 letter to the Residential Tenancy Branch (the RTB) in which he maintained that the Applicant "was at all material times a member of the Co-operative." He also asserted that section 4(a) of the *Act* establishes that the relationship between the Applicant and the Respondent does not fall within the jurisdiction of the *Act*.

### Analysis

Section 4(a) of the *Act* reads as follows:

- 4      *This Act does not apply to*  
          *(a) living accommodation rented by a not for profit housing*  
          *cooperative to a member of the cooperative,...*

In accordance with section 4(a) of the *Act*, I find that the relationship between the Applicant and the Respondents does not fall within the *Act*. As such, I find that I have no jurisdiction to consider this application for dispute resolution.

Conclusion

I decline to hear this matter as I have no jurisdiction to consider this application. 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: April 16, 2014

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Residential Tenancy Branch

