



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNSD FF

Introduction

This hearing dealt with an application by the tenant pursuant to the *Residential Tenancy Act* (the Act) for orders as follows:

- a) An Order to return double the security deposit pursuant to Section 38; and
- b) To recover the filing fee for this application.

SERVICE

Only the applicant (tenant) attended. There were some service problems with the documents to the landlord as he did not pick up the registered mail.

Issue(s) to be Decided:

Has the tenant proved on the balance of probabilities that she is entitled to the return of double the security deposit according to section 38 of the Act?

Background and Evidence

The applicant rented a home for approximately 4 days from December 29, 2013 to January 2, 2014. The agreement refers to it as “vacation accommodation” and to the renters as “guests”. The representative of the tenant agreed it was vacation accommodation but said it was rented through the services of a large organization that used terms from the Act so they thought their security deposit was protected. The landlord has not returned their \$500 security deposit despite repeated demands.

On the basis of the documentary and solemnly sworn evidence presented at the hearing, a decision has been reached.

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Analysis:

As explained to the representative in the hearing, I have no jurisdiction to hear this matter as the Act in section 4(e) specifically states that the Act does not apply to vacation accommodation. The applicant will have to find relief in another forum.

Conclusion:

The application is dismissed as I have no jurisdiction in this matter.

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: June 11, 2014

Residential Tenancy Branch

