



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

This matter dealt with an application by the Tenant for the return of her pet deposit, for loss or damage under the Act, regulations or tenancy agreement and to recover the filing fee for this proceeding.

At the start of the conference call it was determined that this situation was not a tenancy as the Applicant was living in the Respondent's hotel/suites as a result of an insurance claim on the Tenant's residents. The representative for the Respondent explained that they operate a full furnished hotel/ suite accommodation that is rented on a daily basis and that pet deposit the Applicant is referring to is a onetime pet cleaning fee paid by the guests staying at their hotel if they have pets. The Respondent sent in a letter for the hearing saying that this situation does not fall under the Residential Tenancy Act as it is holiday or business accommodation.

The Arbitrator said that if there is no tenancy agreement, that the rent payment is on a daily basis, that there was no security or pet deposit paid and the situation is related to a business stay then this situation is not a tenancy. I find that the situation is the result of a contract between the Applicant and her insurance company and as such it is a business arrangement not a tenancy. Consequently I find there is no tenancy contract between the Applicant and the Respondent; therefore I do not have jurisdiction to make a finding in this matter. The applicant may want to seek legal advice to determine how to proceed with her claims.

In the absence of evidence to show there is a tenancy between the Applicant and Respondent the Residential Tenancy Branch does not have jurisdiction in this situation. I dismiss the application as I find no authority to decide this matter under the *Residential Tenancy Act*.

Conclusion

The application is dismissed for lack of jurisdiction

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: September 02, 2014

Residential Tenancy Branch

