



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Pasadena Estates Development Corp.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      O, FF

### Introduction

This is an application for a monetary order for \$1300.00 and recovery of the \$50.00 filing fee.

Some documentary evidence and written arguments have been submitted by the parties prior to the hearing.

I have given the parties the opportunity to present all relevant evidence, and to give oral testimony,.

All testimony was taken under affirmation.

### Issue(s) to be Decided

The first issue I dealt with is whether or not the Residential Tenancy Act has jurisdiction over this matter.

### Background and Evidence

The landlord's representative stated that he believes the Residential Tenancy Act does not have jurisdiction in this matter because the living accommodation is in a housing based health facility that provides hospitality support services and personal healthcare.

The tenant's representative stated that he does not dispute that the living accommodation is in a housing based health facility that provided hospitality support services and personal healthcare.

Analysis

Section 49(g)(5) of the Residential Tenancy Act states:

This Act does not apply to living accommodation in a housing based health facility that provides hospitality support services and personal health care.

Therefore it's my finding that the Residential Tenancy Act does not have jurisdiction over this claim.

Conclusion

I declined jurisdiction over 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: January 08, 2015

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Residential Tenancy Branch

