



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

This hearing was scheduled to hear a tenant's Application for a Monetary Order for doubling of the security deposit, as amended. The applicant was represented at the hearing but there was no appearance by the respondent. The applicant's representative provided evidence that the Application was sent to the respondent via registered mail on October 22, 2014 and the amended Application was sent to the respondent via registered mail on March 13, 2015. I was satisfied the respondent had been served with notice of this proceeding and I continued to hear from the applicant.

Preliminary and Procedural Matters

Other than evidence pertaining to registered mail sent to the respondent no other documentary evidence accompanied the Application or amended Application. I noted that the name of the respondent was that of a housing co-operative; yet, in the details of dispute the applicant's representative indicated that her mother, now deceased, was a "renter" at the subject property.

The applicant's representative submitted to me that her mother had shares in the housing co-operative and that the monthly payment her mother was required to make was based upon her mother's income that had to be established every year. The applicant's representative stated that this dispute concerns the return of the money for "shares" in the co-operative. I informed the applicant's representative that the *Residential Tenancy Act* does not apply to such living accommodations and that I do not have jurisdiction to resolve this dispute. The applicant's representative became furious and asked where that information is provided. Unfortunately, the applicant's representative hung up before I could provide a response. Below, I provide the applicant's representative with the information she requested.

Section 4 of the Act provides for living accommodation that does not fall under the *Residential Tenancy Act*. With respect to housing co-operatives, section 4(a) provides:

What this Act does not apply to

4 This Act does not apply to

- (a) living accommodation rented by a not for profit housing cooperative to a member of the cooperative,

This information is also provided on page 2 of the Guide published by the Residential Tenancy Branch that is entitled Residential Tenancy Act: A Guide for Landlords & Tenants in B.C. and page 4 of Residential Tenancy Branch Policy Guideline 27: *Jurisdiction*.

The Act, the Guide and all policy guidelines are published on the Branch's website. Further information may be obtained by contacting an Information Officer at the Branch either: in person, by telephone, or email.

Conclusion

Jurisdiction was declined as the Act does not to apply to the subject living accomodation

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: May 27, 2015

Residential Tenancy Branch

