



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding KS&SY Hung Holdings Ltd.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes CNE, CNC, CNR, OPC, MND, MNR, MNSD, MNDC, FF

### Introduction

This hearing was convened to address claims by each of the parties. Both parties participated in the conference call hearing.

### Issue to be Decided

Does this tenancy fall within the jurisdiction of the *Residential Tenancy Act*?

### Background and Evidence

The parties agreed that the tenant does not and has never resided in the rental unit, but has rented the unit to other occupants and submitted the rent to the landlord. They further agreed that the unit was rented for the sole purpose of subletting.

### Analysis

Section 4(d) of the Act provides that the Act does not apply to living accommodation which is primarily occupied for business purposes and is rented under a single agreement. I find that this tenancy was entered into solely for the purpose of operating a rental business and I find that the Act does not apply to this tenancy relationship. I therefore dismiss the claim for want of jurisdiction.

### Conclusion

Jurisdiction is refused.

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 17, 2015

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Residential Tenancy Branch

