



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes MNSD, FF

### Introduction

This hearing was convened by way of conference call in response to the tenant's application for a Monetary Order to recover the security deposit and to recover the filing fee from the landlord for the cost of this application.

The tenant along with a witness and a lawyer and the landlord and an agent for the landlord attended the conference call hearing. The matter of jurisdiction was discussed as the parties agreed that this was a vacation rental that was due to be occupied from August 13, 2014 to September 01, 2014.

The landlord's agent agreed she had filed in, and the parties had signed, a residential tenancy agreement as she felt this was an appropriate form to use even though it was a vacation rental and a deposit was taken by the landlord.

I refer the parties to section 4(e) of the *Residential Tenancy Act (Act)* which states: *The Act does not apply to living accommodation occupied as vacation or travel accommodation.*

Consequently, I decline jurisdiction in this matter pursuant to section 4(e) of the *Act* and the tenant's application is dismissed without leave to reapply.

The tenant is at liberty to seek remedy in an alternative legal forum.

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 15, 2015

---

Residential Tenancy Branch

