



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** OPT; LRE; MNDC

### **Introduction**

The Applicant seeks an Order of Possession; an Order that the Respondent's right to access the property be limited or restricted; and compensation for damage or loss under the Act, regulation or tenancy agreement.

The parties gave affirmed testimony at the Hearing.

### **Preliminary Matter: Does the Residential Tenancy Act have jurisdiction?**

The Respondents testified that the subject residence does not fall within the jurisdiction of the Act because it is transitional housing intended for people who have mental health issues. They testified that the Applicant was referred by his therapist at a mental health organization. The Respondents also stated that there was no written tenancy agreement and no security deposit was paid. Rent was \$450.00 per month which was paid "on welfare day". The Tenant moved into the residence on March 30, 2015, and moved out on September 4, 2015.

The Applicant did not dispute the Respondents' testimony

### **Analysis**

The dispute resolution process considers applications between tenants and landlords as they relate to rights, obligations and prohibitions under the *Residential Tenancy Act* (the "Act").

Section 4(f) of the Act defines provides that the Act does not apply to living accommodation provided for emergency shelter or transitional housing.

Based on the testimony of the Applicants, I find that the subject residence is exempt from the Act under Section 4(f) of the Act, and I decline jurisdiction.

**Conclusion**

I decline jurisdiction in this matter as I find that the Act does not apply.

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: December 18, 2015

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Residential Tenancy Branch

