



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSD, FF

### Introduction

This is an application brought by the tenant requesting a monetary order in the amount of \$1200.00, and requesting recovery of the \$100.00 filing fee.

A substantial amount of documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all relevant submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All parties were affirmed.

### Issue(s) to be Decided

The first issue I dealt with was a challenge of the jurisdiction of the Residential Tenancy Branch.

### Background and Evidence

The landlord testified that this is not a landlord-tenant relationship this was a vacation rental in which all furnishings, bedding, linens, towels, toiletries, dishware, utensils, coffee makers, toasters, microwaves, parking, picnic areas are included and therefore he does not believe it's covered under the Residential Tenancy Act as vacation rentals are excluded.

The tenant testified that he agrees that this was a vacation rental where everything was included.

Analysis

Section 4(e) of the Residential Tenancy Act states:

**4** This Act does not apply to

(e) living accommodation occupied as vacation or travel accommodation,

It is my decision therefore that, since both parties agree that this was a vacation rental, the Residential Tenancy Act does not apply to this living accommodation.

Conclusion

I hereby 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 25, 2017

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Residential Tenancy Branch