



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes RPP, OLC, MNDC, MNSD, FF

Introduction

This hearing was reconvened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order for the return of personal property - Section 65;
2. An Order for the Landlord to comply - Section 62;
3. A Monetary Order for compensation - Section 67;
4. An Order for the return of the security deposit - Section 38; and
5. An Order to recover the filing fee for this application - Section 72.

The Tenant and Landlord were given full opportunity under oath to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the dispute under the jurisdiction of the Act?

Background and Evidence

The Parties do not dispute that the unit was rented for the duration of the tenancy to an incorporated society that operated a drug rehabilitation program at the unit from February, March or April 2013. The Tenant states that persons were both housed and provided treatment and rehabilitation services at the unit. The Tenant states that he is the president of the society. The Landlord states that a written tenancy agreement was

entered into with the society in March or April 2013. The Landlord states that he no longer has a copy of this agreement.

Analysis

Section 4 of the Act provides that the Act does not apply to living accommodation that is made available in the course of providing rehabilitative or therapeutic treatment or services. Based on the undisputed evidence of the Parties I find that the Act does not apply to the dispute.

Conclusion

The Act does not apply to the dispute.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: March 2, 2017

Residential Tenancy Branch

