



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Blue Skies Co-op Phase 2
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

CNC

Introduction

This hearing was convened in response to the Application for Dispute Resolution, in which the Applicant applied to set aside a Notice to End Tenancy for Cause.

The Applicant stated that on March 03, 2017 the Application for Dispute Resolution and the Notice of Hearing was placed in the female Respondent's mail box. The female Respondent acknowledged receipt of these documents.

On March 15, 2017 the Applicant submitted 26 pages of evidence to the Residential Tenancy Branch. The Applicant stated that these documents were placed in the female Respondent's mail box on March 15, 2016. The female Respondent acknowledged receipt of these documents and they were accepted as evidence for these proceedings.

On March 16, 2017 the Respondent submitted 133 pages of evidence to the Residential Tenancy Branch. The Respondent submits that that these documents were personally served to the Applicant on March 16, 2017. The Applicant acknowledged receipt of these documents and they were accepted as evidence for these proceedings.

The parties were given the opportunity to make submissions regarding jurisdiction.

Issue(s) to be Decided

Do I have jurisdiction in this matter and, if so, should a notice to end tenancy be set aside?

Background and Evidence

The Applicant and the Respondent agree that:

- the rental unit is rented by the not for profit housing co-op that is a named Respondent in this matter;
- the Applicant was a member of this co-op when the rental unit was rented to her;

- and
- the Applicant was advised that she was no longer a member of the co-op in a letter dated November 30, 2016.

Neither party argued that I have jurisdiction in this matter.

Analysis

Section 4(1)(a) of the *Residential Tenancy Act (Act)* stipulates that the *Act* does not apply to living accommodation rented by a not for profit housing cooperative to a member of the cooperative.

On the basis of the undisputed evidence I find that this rental unit is living accommodation that was rented by a not for profit housing cooperative to a member of the cooperative. I therefore find that I do not have jurisdiction over this living arrangement.

Conclusion

As I do not have jurisdiction over this living arrangement, I must dismiss the Application for Dispute Resolution, without leave to reapply.

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: March 30, 2017

Residential Tenancy Branch