



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR MNDC ERP PSF AAT

Introduction

This hearing was convened as a result of an Application for Dispute Resolution, received at the Residential Tenancy Branch on March 22, 2017 (the “Application”). The Applicant applied for the following relief, pursuant to the *Residential Tenancy Act* (the “Act”):

- a monetary order for money for the cost of emergency repairs;
- a monetary order for money owed or compensation for damage or loss;
- an order that the Respondent make emergency repairs for health or safety reasons;
- an order that the Respondent provide services or facilities required by law; and
- an order allowing access to (or from) the unit or site for the Applicant or the Applicant’s guests.

The Applicant attended the hearing on his own behalf. The Respondent was represented by S.M., who owns the property at the center of this dispute with the Respondent. All parties providing testimony provided a solemn affirmation.

At the beginning of the hearing, S.M. advised that the rental is a float home and that the *Act* does not apply. She submitted I do not have jurisdiction to hear the Application.

The Applicant advised that the matter was previously addressed in proceedings before the Supreme Court of British Columbia, although no documentary evidence in support was submitted with the Application.

Policy Guideline #27 provides guidance with respect to jurisdictional issues. It confirms that rental agreements relating to float homes are licenses to occupy. The guideline states: "While a license to occupy is included in the *Residential Tenancy Act*, a floating home does not meet the definition of a 'rental unit' in section 1 of that Act." After considering the submissions of the parties and Policy Guideline #27, I find the *Act* does not apply. I decline to hear the Application for lack of jurisdiction.

Conclusion

I decline to hear the Application for lack of jurisdiction.

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: April 21, 2017

Residential Tenancy Branch