



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

CNC, CNR, DRI, ERP, LRE, MNDC, OLC, PSF, RPP

Introduction

The Applicants seek to cancel two Notices to End Tenancy; to dispute an additional rent increase; an order that the Respondent provide regular and emergency repairs; an order limiting or suspending the Respondent's right to enter the unit; compensation for damage or loss; an order that the Respondent comply with the Act, regulation or tenancy agreement; and an order that the Respondent provide services or facilities.

Preliminary Matter

The parties both provided documentary evidence with respect to this Application, which suggests that this matter may not lie within the jurisdiction of the Residential Tenancy Act. I explained to the parties that in order to proceed with the Application, I must first establish jurisdiction over the tenancy.

The parties agreed on the following facts:

1. The Respondent owns, and resides in, the rental property. The rental property is a "bed and breakfast" facility with 8 bedrooms in the main part of the house and a 2 bedroom suite in the basement. The Applicants rent the 2 bedroom suite on a month-to-month basis.
2. The 2 bedroom suite does not have its own bathroom facilities. It did not have bathroom facilities when the tenancy began. The Applicants share the bathroom facilities located in the main part of the house with the Respondent.

Section 4 of the Act provides the following:

What this Act does not apply to

- 4 This Act does not apply to

- (a) living accommodation rented by a not for profit housing cooperative to a member of the cooperative,
- (b) living accommodation owned or operated by an educational institution and provided by that institution to its students or employees,
- (c) living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation,
- (d) living accommodation included with premises that
 - (i) are primarily occupied for business purposes, and
 - (ii) are rented under a single agreement,
- (e) living accommodation occupied as vacation or travel accommodation,
- (f) living accommodation provided for emergency shelter or transitional housing,
- (g) living accommodation
 - (i) in a community care facility under the *Community Care and Assisted Living Act*,
 - (ii) in a continuing care facility under the *Continuing Care Act*,
 - (iii) in a public or private hospital under the *Hospital Act*,
 - (iv) if designated under the *Mental Health Act*, in a Provincial mental health facility, an observation unit or a psychiatric unit,
 - (v) in a housing based health facility that provides hospitality support services and personal health care, or
 - (vi) that is made available in the course of providing rehabilitative or therapeutic treatment or services,
- (h) living accommodation in a correctional institution,
- (i) living accommodation rented under a tenancy agreement that has a term longer than 20 years,

(j) tenancy agreements to which the *Manufactured Home Park Tenancy Act* applies, or

(k) prescribed tenancy agreements, rental units or residential property.

[Reproduced as written.]

I find that the Residential Tenancy Act does not apply to this matter, pursuant to the provisions of Section 4(3) of the Act.

Conclusion

I decline to accept 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: April 28, 2017

Residential Tenancy Branch