

## **DECISION**

Dispute Codes      CNC, MNSD, OLC

### Introduction

This matter dealt with an application by the Tenant to cancel a Notice to End Tenancy for Cause, for the return of the Tenant's security deposit and for the Landlord to comply with the Act regulations and tenancy agreement.

At the start of the conference call the Landlord said this tenancy is a transitional housing situation and therefore the Residential Tenancy Act does not apply to it. The Tenant agreed he is a transitional tenant in a transitional housing tenancy.

Section 4 (f) of the Act says the Act does not apply to living accommodation provided for emergency shelter or transitional housing. Consequently as both parties agree this is a transitional housing tenancy I do not have jurisdiction to make a finding in this matter. The applicant may want to seek legal advice to determine how to proceed with his claims.

In the absence of evidence to show there is a residential tenancy between the Applicant and Respondent the Residential Tenancy Branch does not have jurisdiction in this situation. I dismiss the application as I find no authority to decide this matter under the *Residential Tenancy Act*.

### Conclusion

The application is dismissed 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: May 3, 2017.