



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding SENIORS SERVICES SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR

Introduction

This hearing was convened in response to the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for Orders as follows:

- cancellation of the landlords' 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another. The parties acknowledged receipt of evidence submitted by the other.

Preliminary Issue – Jurisdiction

At the outset of the hearing, counsel for the landlord raised the issue of jurisdiction. Counsel submits that the subject unit and property is transitional housing that doesn't fall under the jurisdiction of the Residential Tenancy Act or the Branch. Counsel submits that this housing provides case workers to assist the residents that would otherwise be homeless to a multitude of services such as; free transit passes, free food, assistance in finding other lodging, assistance in obtaining government identification or financial documents among many other services that go well beyond the typical landlord tenant relationship.

DS acknowledged and confirmed that he knew this was transitional housing but was hopeful that he could stay longer until he resolved some personal issues.

Analysis

Both parties confirmed and agreed that this is transitional housing. I explained in great detail to DS that based on the landlords extensive documentation and the submissions of each party that I too agree and find that the DS resides in transitional housing. The Act addresses transitional housing as follows:

What this Act does not apply to

- 4 This Act does not apply to
- (f) living accommodation provided for emergency shelter or transitional housing,

Based on all of the above, I find that I do not have jurisdiction in this matter. My finding and decision was explained to both parties.

Conclusion

I HEREBY DECLINED TO HEAR this matter, for want of jurisdiction and the application is dismissed, 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 22, 2018

Residential Tenancy Branch