



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OLC

Introduction

This hearing was scheduled to convene at 11:00 a.m. this date by way of conference call concerning an application made by the tenant seeking an order cancelling a notice to end the tenancy for unpaid rent or utilities and for an order that the landlord comply with the *Act*, regulation or tenancy agreement.

The landlord attended the hearing, however the line remained open while the phone system was monitored for in excess of 15 minutes and no one for the tenant joined the call.

The landlord advised that the rental unit is a short-term vacation rental. The landlord has registered it with Air BNB, and a copy of an advertisement has been provided as evidence for this hearing. The landlord also advised that the parties entered into a verbal agreement for \$500.00 every 2 weeks, and the landlord followed up with an email to the tenant, a copy of which has also been provided. The landlord served a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, and later learned that since it's vacation rental, the notice is of no effect.

The tenant vacated the rental unit on April 5, 2018 but some belongings still remain that the tenant has promised to retrieve.

Analysis

The *Residential Tenancy Act* does not apply to vacation rentals. I have reviewed the landlord's evidentiary material, and I find that it was rented as a short-term, vacation rental and is registered with Air BNB. Therefore, I decline jurisdiction with respect to the application, and given that the *Residential Tenancy Act* does not apply, the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities is not enforceable under the *Act*.

Conclusion

For the reasons set out above, I hereby decline jurisdiction with respect to this application.

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 03, 2018

Residential Tenancy Branch