



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding PENTICTON & DISTRICT SOCIETY FOR COMMUNITY LIVING  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC, LRE

### Introduction

This hearing dealt with the applicant's application pursuant to the Residential Tenancy Act (the "Act") where they applied for:

- Cancellation of a 1 Month Notice to End Tenancy for Cause pursuant to section 47; and
- An order to suspend or set conditions on the landlord's right to enter the rental suite pursuant to section 70.

The applicant did not attend this hearing which lasted approximately 10 minutes. The corporate respondent was represented by its agents who were given a full opportunity to make submissions, give affirmed testimony and call witnesses.

At the outset of the hearing the respondents testified that the applicant has vacated the rental unit. The respondents also submit that the rental unit is a living accommodation in a community care facility under the Community Care and Assisted Living Act, and therefore outside of the jurisdiction of the Branch.

### Analysis-Jurisdiction

Section 4(g)(i) of the Act provides that the Act does not apply to:

(g) living accommodation

(i) in a community care facility under the *Community Care and Assisted Living Act*,

The respondent submitted into documentary evidence their business license and registration with the Assisted Living Registrar showing that the rental unit is a community care facility under the Community Care and Assisted Living Act.

Accordingly, I find that this is not a matter within the jurisdiction of the Branch and I decline jurisdiction over the present application

.

Conclusion

I decline jurisdiction over the applicant's applications. I make no determination on the merits of the applications.

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: August 2, 2018

---

Residential Tenancy Branch