



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT

Introduction

Pursuant to section 58 of the *Residential Tenancy Act*. (the *Act*), I was designated to hear this matter. This hearing dealt with the tenant's application for:

- a Monetary Order pursuant to section 67 of the *Act* for loss.

The tenant and the landlord's agent, D.Y, appeared at the hearing by way of conference call.

Preliminary Issue – Jurisdiction

At the outset of this hearing, I explained to the parties that I had concerns centering on my jurisdiction to hear this matter. The tenant confirmed he was seeking a monetary award of \$35,000.00 for loss of a vehicle and its contents. The tenant said the landlord had previously been ordered by an arbitrator with the *Residential Tenancy Branch* to return the vehicle to the tenant. The tenant said the landlord had not done so and he was therefore seeking a monetary award in relation to this missing van and its contents.

Section 2(1) of the *Act* states, "This Act applies to tenancy agreements, rental units and other residential property." I find the vehicle and its contents do not meet the criteria listed in section 2(1) and therefore decline to rule on this matter. Section 1 of the *Act* defines residential property as follows:

"residential property" means

(a) a building, a part of a building or a related group of buildings, in which one or more rental units or common areas are located,

(b) the parcel or parcels on which the building, related group of buildings or common areas are located,

(c) the rental unit and common areas, and

(d) any other structure located on the parcel or parcels.

The tenant is not precluded from pursuing an application against the landlord in a different forum.

Conclusion

I decline to rule on this matter as I have no jurisdiction to consider 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: October 12, 2018

Residential Tenancy Branch