



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding LANGLEY LIONS SENIORS COMMUNITY HOUSING SOCIETY and
[tenants name suppressed to protect privacy]

DECISION

Dispute Codes MNSD

Introduction

The former tenant applies to recover her security deposit.

Ms. D. for the landlord asserts and it is not disputed, that the rental unit has been designated an assisted living residence by the Lieutenant Governor in Council, pursuant to the *Community Care and Assisted Living Act*, S.B.C. 2002, c. 75.

Section 4(g)(i) of the *Residential Tenancy Act* specifically excludes living accommodation in a community care facility under the *Community Care and Assisted Living Act* from the operation of the *Act*.

The fact that the landlord may have used a *Residential Tenancy Act* form for the condition inspection report for this rental unit, does not change the fact that the *Residential Tenancy Act* and its dispute resolution process is not applicable nor available to this tenant. She must seek her recourse elsewhere, likely in a court..

For this reason the tenant's application must be dismissed for want 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: October 02, 2018

Residential Tenancy Branch