



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BURRARDVIEW HOUSING CO-OP
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ERP OPR RP

Introduction

This hearing was convened pursuant to an Application for Dispute Resolution, made on August 20, 2018 (the “Application”). The Applicant sought the following relief pursuant to the *Residential Tenancy Act* (the “Act”):

- an order that the Respondent make emergency repairs for health or safety reasons;
- an order that the Respondent comply with the *Act*, regulation, and/or the tenancy agreement; and
- an order that the Respondent make repairs to the unit, site or property.

The Applicant attended the hearing on her own behalf. The Respondent was represented at the hearing by M.G., an agent. Both the Applicant and M.G. provided affirmed testimony.

The Applicant testified that the Respondent was served with the Application package by registered mail on August 21, 2018. In addition, the Applicant testified that the Respondent was served with additional documentary evidence by registered mail on September 13, 2018. Canada Post registered mail customer receipts were submitted in support, and M.G. acknowledged receipt. No issues were raised during the hearing with respect to service or receipt of the above documents. Accordingly, pursuant to section 71 of the *Act*, I find the above documents were sufficiently served for the purposes of the *Act*.

The Respondent did not submit documentary evidence in response to the Application.

The parties were given an opportunity to present evidence orally and in written and documentary form, and to make submissions to me. I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Preliminary Issue – Jurisdiction

During the hearing, the Applicant confirmed she is a member of a housing cooperative. This was repeated in a type-written statement submitted with her documentary evidence, which stated: “I am a member and I am responsible for my unit.”

Section 4(a) of the *Act* confirms the “*Act* does not apply to...living accommodation rented by a not for profit housing cooperative to a member of the cooperative”.

Accordingly, I find the *Act* does not apply to the Applicant’s circumstances and that I do not have jurisdiction to consider the Application.

Conclusion

The Application is dismissed for lack 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 4, 2018

Residential Tenancy Branch