



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding DUNES HOLDINGS LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes FFL MNDCL-S MNRL-S

Introduction

This hearing dealt with the applicant's request pursuant to the *Residential Tenancy Act* (the "Act") for:

- a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 67; and,
- reimbursement of the filing fee.

Both parties attended the hearing and had full opportunity to provide affirmed testimony, present evidence, cross examine the other party, and make submissions.

The parties both testified that they had an agreement regarding the occupation of the applicant's property. The respondent testified that she entered an agreement with the respondent to use the applicant's property for business purposes. The respondent testified that she operated a sewing business throughout the property. She testified that even the kitchen was used for commercial sewing. The respondent testified that she did not use the property for residential purposes. The respondent testified that she did not even have a bed at respondent's property and she resided at another location. The respondent testified that she only used the property for business purposes. The applicant produced photographs showing the respondent's commercial sewing equipment and supplies at the property.

Section 4(d) of the *Act* states that the *Act* does not apply to:

4(d) living accommodation included with premises that

- (i) are primarily occupied for business purposes, and
- (ii) are rented under a single agreement

I find this accommodation is outside of the *Act*, I have no jurisdiction to consider this matter.

The applicant must bear the cost of her own filing fee, as the *Act* does not apply.

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: March 20, 2019

Residential Tenancy Branch