



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding RAINCITY HOUSING AND SUPPORT  
SOCIETY and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      AAT, MNSD, OLC, PSF, RPP

### Introduction

On July 25, 2019, the Applicant applied for a Dispute Resolution proceeding seeking access to the rental unit pursuant to Section 30 of the *Residential Tenancy Act* (the “*Act*”), seeking a return of the security deposit pursuant to Section 38 of the *Act*, seeking an Order to comply pursuant to Section 62 of the *Act*, seeking provision of services or facilities pursuant to Section 62 of the *Act*, and seeking a return of personal property pursuant to Section 65 of the *Act*.

Both the Applicant and the Respondent attended the hearing. All in attendance provided a solemn affirmation.

### Preliminary Matters

Both parties agreed that the rental unit was provided under a supported, transitional housing program where there were 24-hour staff on site to care for the occupants, there was a food program, and there were a number of other services provided to the occupants of the building. The program is meant to help stabilize occupants until they could move on to more traditional housing situations.

In my view, after hearing testimony from both parties, I am satisfied that the housing situation provided to the Applicant is a transitional housing program. As Section 4(f) of the *Act* stipulates, the *Act* does not apply in situations where a person is living in accommodation that is provided for transitional housing. Consequently, I am satisfied that there is no Landlord/Tenant relationship between the parties. Therefore, the Applicant has no rights or obligations under the *Act*. Ultimately, I find that even if the

parties intended upon entering into a tenancy agreement as contemplated under Section 1 of the *Act*, the *Act* would not apply to this tenancy. As a result, I have no jurisdiction to consider this Application and render a decision in this matter.

### Conclusion

I decline to hear 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: September 24, 2019

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Residential Tenancy Branch