



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding KILLARNEY GARDENS HOUSING CO-
OPERATIVE and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

CNC DRI FFT MT OLC

Introduction

This hearing dealt with an application pursuant to the Residential Tenancy Act (“Act”) for:

- An Order to cancel a 1 Month Notice to End Tenancy for Cause pursuant to section 47;
- An order to dispute a rent increase pursuant to section 41;
- Authorization to recover the filing fee for this application from the respondent pursuant to section 72;
- A request for more time to cancel a Notice to End Tenancy pursuant to section 66; and
- An order for the landlord to comply with the Act, Regulations and/or tenancy agreement pursuant to section 62.

The applicant attended the hearing and the respondent attended the hearing represented by its counsel, TC. The respondent acknowledged receipt of the applicant’s Notice of Dispute Resolution Proceedings package and stated no issues with timely service of documents. The applicant acknowledged being served with the respondent’s evidence package and did not raise any issues with timely service of documents.

Preliminary Issue

Counsel for the respondent advised that the respondent in these proceedings is a housing co-operative within the meaning of section 4 of the *Residential Tenancy Act* and that the *Residential Tenancy Act* does not apply to this dispute.

For clarity, section 4(a) of the *Act* reads:

What this *Act* does not apply to:

This *Act* does not apply to living accommodation rented by a not for profit housing cooperative to a member of the cooperative.

The applicant acknowledged she currently is, or previously was a member of the not for profit housing cooperative named as a respondent in this proceeding. As such, I find this dispute does not fall under the jurisdiction of the *Residential Tenancy Act* and I decline to hear the application.

Preliminary Issue

The applicant and respondent agree the respondent was improperly named in the applicant's Application for Dispute Resolution. The parties agreed the name of the respondent should appear as reflected on the cover page of this decision. In accordance with rules 4.2 and 6.1 of the Residential Tenancy Branch Rules of Procedure, the respondent's name was amended.

Conclusion

Pursuant to section 4(a), jurisdiction to hear this matter is declined as the *Residential Tenancy Act* does not apply to living accommodation rented by a not for profit housing cooperative to a member of the cooperative.

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: November 19, 2019

Residential Tenancy Branch