



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OL

### Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for an additional rent increase, pursuant to section 43 of the *Act*.

The tenants, agent for the landlord and landlord's counsel attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

The agent testified that the tenants were served with the landlord's application for dispute resolution on November 8, 2019 via registered mail. The tenants testified that they received the landlord's application on November 12, 2019. I find that the landlord's application for dispute resolution was served on the tenants in accordance with section 89 of the *Act*.

### Preliminary Issue – Jurisdiction

Section 4(d) of the *Act* states that this Act does not apply to living accommodation included with premises that:

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

The tenants testified that the predominant purpose of the subject rental property is for work and that they run their business out of the subject rental property. The tenants testified that the subject rental property is a live/work property which they pay for with

corporate cheques. The tenants testified that they live at the subject rental property part time and have another home in another city in which they also reside.

The parties signed one Residential Tenancy Agreement for the subject rental property which was entered into evidence.

Pursuant to the tenant's evidence and testimony, I find that the subject rental property is primarily operated for business purposes and that the parties signed one tenancy agreement for the subject rental property. I therefore find, in accordance with section 4(d) of the *Act*, that I do not have jurisdiction to hear the landlord's application. The landlord's application is therefore dismissed without leave to reapply.

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: December 20, 2019

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Residential Tenancy Branch