



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PLAN A REAL ESTATE SERVICES LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDL-S, FFL

Introduction

The landlord applies seeking a monetary award for cleaning of and repairs to the rental unit after the tenant left.

The respondent tenant did not attend for the hearing within 10 minutes after its scheduled start time at 1:30 p.m. on July 28, 2020. The teleconference hearing connection remained open during that time in order to enable the parties to call into the teleconference hearing. The call-in numbers and participant codes provided in the Notice of Hearing were confirmed as correct. The teleconference system audio console confirmed that the landlord's representative and this arbitrator were the only ones who had called into this teleconference during that period.

Ms. H. for the landlord testified the tenant was served with the Notice of Dispute Resolution Proceeding document by registered mail sent to an address provided by the tenant (tracking number shown on cover page of this decision). The Canada Post public website was checked during this hearing. It indicates there is no record of such a tracking number. Ms. H. could not say whether the mail had been "returned to sender" or not.

In any event, the written agreement between these parties clearly indicates that the accommodation being rented is for "vacation or travel accommodation." Such accommodation is not within the purview of the *Residential Tenancy Act* (s. 4(e)).

Ms. H. acknowledged this fact and indicated that the landlord felt it had to apply in this forum because the tenant had, within a year after this tenancy ended in May 2019, provided a forwarding address in writing.

In result, as this tenancy is excluded from the *Act*, I have no jurisdiction to hear it. The application is dismissed without leave to re-apply. The landlord is free to pursue its claim in the appropriate forum.

This decision was rendered orally at hearing and 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: July 28, 2020

Residential Tenancy Branch