



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the *Act*) for an Order directing the landlord to comply with the *Act*, regulation or tenancy agreement, pursuant to section 62.

The landlord did not attend this hearing, although I left the teleconference hearing connection open until 9:40 a.m. in order to enable the landlord to call into this teleconference hearing scheduled for 9:30 a.m. The tenant and the tenant's support person attended the hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the tenant, the tenant's support person and I were the only ones who had called into this teleconference.

Preliminary Issues- Amendment and Jurisdiction

The tenant testified that the person listed as the landlord is the chief executive officer of the not for profit housing cooperative that the tenant rents the property from. The tenant testified that she is a member of the housing cooperative. I find that the correctly named landlord is the cooperative, and not the chief executive officer. Therefore, pursuant to section 64 of the *Act*, I amend the name of the landlord on the tenant's application for dispute resolution to the name of the cooperative.

Section 4(a) of the *Act* states:

4 This Act does not apply to

(a) living accommodation rented by a not for profit housing cooperative to a member of the cooperative,

Pursuant to section 4(a) of the *Act*, I find that I do not have jurisdiction to hear this matter because the tenant is a member of a not for profit housing cooperative and rents the property from the cooperative. The tenant's application for dispute resolution is therefore dismissed without leave to reapply.

Conclusion

The tenant's application for dispute resolution is dismissed without leave to reapply for lack of jurisdiction.

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: February 18, 2021

Residential Tenancy Branch