



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding DUNCAN MOTEL  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNL-MT OLC

### Introduction

The applicant applied to dispute a notice to end tenancy, more time to dispute the notice, and, for an order that the respondent comply with the *Residential Tenancy Act* (“Act”). Only the respondent attended the hearing, which was held at 9:30 AM on August 27, 2021.

### Preliminary Issue: Jurisdiction

While reviewing the applicant’s evidence, it appeared that the respondent served the applicant with a “30/60 Day Notice of Termination of Tenancy” pursuant to section 1946.1 of *The Civil Code of the State of California*.

The respondent explained that they were running a business – a motel – and that in doing so they were uncertain of how to remove a motel guest (the applicant). The respondent did some research and ended up using the above-noted notice of termination as they could find little else by way of a form to end the applicant’s stay at the motel. It was the respondent’s position that given the nature of the business, the applicant’s residency of a motel room does not fall under the jurisdiction of the Act.

At this point, it is worth citing [subsection 4\(e\)](#) of the Act, which states that “This Act does not apply to [...] living accommodation occupied as vacation or travel accommodation.”

In the absence of any legal argument, or presentation of evidence, from the applicant such that their stay at the respondent’s place of business is a tenancy for the purposes of the Act, I am inclined to side with the respondent’s position: the dispute between the applicant and respondent does not fall within the jurisdiction of the Act.

As briefly discussed with the respondent, disputes between a motel and its guests fall under the jurisdiction of the *Hotel Keepers Act*, RSBC 1996, c. 206. In terms of how the respondent may proceed with removing a motel guest, they may consider seeking legal advice.

### Conclusion

Given the above, I find that this matter does not fall within the jurisdiction of the Act.

This decision is made on delegated authority under section 9.1(1) of the Act.

Dated: August 27, 2021

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Residential Tenancy Branch