



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding 0996023 BC Ltd  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNQ, FFT

### Introduction

This hearing was convened in response to an application pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order cancelling a notice to end tenancy - Section 49;
2. An Order to recovery the filing fee - Section 72.

The Parties were each given full opportunity under oath to be heard, to present evidence and to make submissions.

### Issue(s) to be Decided

Is the dispute under the jurisdiction of the Act?

### Background and Evidence

The following are agreed facts: the applicants rent a house, land and shop on a property that is used to run a film and movie equipment and storage business. The rental of the house, land and shop are all under the same tenancy agreement that sets out rent of \$11,000.00 plus g.s.t. The Applicants would not occupy the house if the shop and land were not there for business purposes and the house is occupied by a person who operates the business on site.

Analysis

Section 4(d) of the Act provides that the Act does not apply to living accommodation included with premises that are primarily occupied for business purposes and are rented under a single agreement. Based on the agreed facts that the house, shop and land are rented under a single agreement and that the house is occupied only for business purposes carried out in the shop and on the land, I find that the Act does not apply to the dispute. The application is dismissed.

Conclusion

The Act does not apply to the dispute.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: August 17, 2021

---

Residential Tenancy Branch