



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes RPP, MNDCT

Introduction

This hearing dealt with an Application for Dispute Resolution by the Applicants filed on April 29, 2021, under the Residential Tenancy Act (the “Act”) for a monetary order for eight years of loss employee bonuses, property loss, and for return of personal property.

Both parties appeared, gave affirmed testimony, and were provided the opportunity to present their evidence orally and in written and documentary form, and make submissions at the hearing.

Preliminary and Procedural Issues

The agreement filed before me related to an employment agreement to a commercial space that commenced on June 1, 2011 and ended on or about May 15, 2019. Therefore, I must first determine if the Residential Tenancy Branch has jurisdiction over this matter.

In this case, the parties agreed that they entered into a work contract to oversee a storage facility. As a term of the work contract, they were provided living accommodation within the commercial space. This was under a single agreement an employment contract.

The Applicants are primarily claiming for bonus for 8 years of their employment. I find the Act has no authority to consider bonus under any employment contracts.

Further, I find as this was living accommodation included with premises that was primarily occupied for a commercial business purpose, I find the Residential Tenancy

Act does not apply, pursuant to section 4(d) of the Act. Therefore, I decline to hear this matter due to 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: September 02, 2021

Residential Tenancy Branch