



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes RRP, MNDCT, FFT

Introduction

On May 25, 2022, the Applicant submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (“the *Act*”) for the recovery of personal property, for a monetary claim for compensation, and to recover the filing fee paid for this application. The matter was set for a conference call.

Both parties attended the conference call hearing and were affirmed to be truthful in their testimony. The parties were provided with the opportunity to present evidence orally and in written and documentary form and to make submissions at the hearing. Both parties were advised of section 6.11 of the Residential Tenancy Branches Rules of Procedure, prohibiting the recording of these proceedings.

Preliminary Matter - Jurisdiction

The Respondent raised the issue of jurisdiction. Both parties were given a full opportunity to address the issue as follows.

The Respondent testified that the rental unit is located on school property and was supplied to the Applicant as part of the employment with the School Board. The Respondent testified that this office does not have jurisdiction to hear this application.

The Applicant agreed with the Respondent in that the rental unit was supplied to them as part of their employment with the School Board.

Analysis

Based on the above testimony and evidence, I find as follows:

I refer to the *Residential Tenancy Act*, section 4(b), which states the following:

“What this Act does not apply to

4 This Act does not apply to

(b) living accommodation owned or operated by an educational institution and provided by that institution to its students or employees,”

I also refer to the *Residential Tenancy Branch – Policy Guideline 27 – Jurisdiction*

Accommodation owned or operated by an educational institution

“The RTA does not apply to living accommodation owned or operated by an educational institution and provided to students or employees of the institution. But if a university provides accommodation to individuals other than students or employees of the university the RTA may apply.”.

I find that the Applicant’s application affects the use and occupation of educational institution accommodation, and I, therefore, decline to accept jurisdiction over the Applicant’s dispute with the Respondent.

The Parties are at liberty to seek an appropriate legal remedy to this dispute.

Conclusion

For the reason stated above, I decline jurisdiction to resolve this 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 *Residential Tenancy Act*.

Dated: September 27, 2021

Residential Tenancy Branch