



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **RPP, MNETC, MNDCT, FFT**

Introduction

This hearing dealt with an Application for Dispute Resolution by the Applicant filed under the Residential Tenancy Act, for a monetary order related to a notice to end tenancy for landlord's use of property and for other money owed, for the return of personal property and to recover the cost of the filing fee.

Only the respondent appeared. The Respondent stated that they were never served with the application for dispute resolution and only found out about this matter as they had received an email notification on September 17, 2021 from the Residential Tenancy Branch.

This matter was set for hearing by telephone conference call at 11:00 A.M on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the Respondent.

The Respondent stated that this is not a residential tenancy matter as they had rented their garage to the applicant as a music studio. The Respondent stated there is no kitchen or bathroom and not suitable to be a living accommodation and this would be contrary to their written agreement. Filed in evidence is a copy of the agreement signed on December 3, 2020. The agreement shows this was a garage rented and not to be lived in.

In this case the applicant rented a garage for the purpose of playing music. The agreement clear sets out that this is not a living accommodation. I find the Act does not apply to this matter. Therefore, I decline to hear this matter due to lack of jurisdiction and I dismiss the Applicant's application without leave to reapply.

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: October 01, 2021

Residential Tenancy Branch