



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC FFT

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "**Act**") for:

- an order requiring the landlords to comply with the Act, regulation or tenancy agreement, specifically that the Act applies to the tenancy, pursuant to section 62;
- an order to allow the tenant to reduce rent for repairs, services or facilities agreed authorization to recover the filing fee for this application from the landlords pursuant to section 72.

The tenant attended the hearing. She was represented by two lawyers ("**RP**" and "**ZM**"). The landlords were represented at the hearing by an agent ("**DR**").

Preliminary Issue – Landlord's Consent to Application

The tenant seeks an order that the Act applies to the agreement between herself and the landlords whereby she is permitted to reside in the rental unit.

On August 27, 2021, the landlords served the tenant with a letter purporting to give her 30 days' notice to vacate the rental unit. On September 7, 2021, the tenant emailed the landlord advising her that the letter was not in the proper form of a One Month Notice to End Tenancy (as required by the Act). DR responded that the Act did not apply to the relationship between the landlord and the tenant because the landlord is a "transitional housing program" and therefore excepted from the Act.

The tenant disagreed and made this application.

At the outset of the hearing, DR advised me that the landlord takes the position that the tenant's transitional housing agreement expired on November 1, 2021 and was then converted into a tenancy agreement to which the Act applies. She confirmed that all terms of the prior agreement carried over, except those that contravened the Act, and that the August 27, 2021 letter was cancelled and of no effect.

RP confirmed that the landlord's position amounted to a satisfactory resolution for the application.

DR agreed with RP's submissions that the landlord should pay the tenant's filing fee.

As such, I order the Act applies to the tenancy agreement between the parties and that the landlord must pay the tenant's filing fee of \$100, pursuant to section 72 of the Act.

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: February 4, 2022

Residential Tenancy Branch