



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNDCT MNSD MNETC RPP

Introduction

The applicants applied for various relief under the *Residential Tenancy Act* (“Act”).

Both parties attended the hearing on February 11, 2022. No service issues were raised, the parties were affirmed, and Rule 6.11 of the *Rules of Procedure* was explained.

Preliminary Issue: Jurisdiction

During their testimony, the respondent gave evidence that the living accommodation was transitional housing. The property was used to assist people getting off the street, those being released from jail, and to provide a sober living environment. It was not, she explained, property meant or intended to be rented in a normal rental arrangement.

The respondent remarked, and both applicants confirmed during their own testimony, that they had been incarcerated, but had lived at the property. The respondent spoke of the many rules of the property, including not being permitted to be high on drugs. The applicants themselves also explained that there was damage to some of the rooms when they moved into the property because “it was transitional housing.”

Transitional housing is specifically excluded from the jurisdiction of the Residential Tenancy Branch. [Section 4\(f\)](#) of the Act states that “This Act does not apply to [. . .] living accommodation provided for emergency shelter or transitional housing.”

Based on the testimony of the parties, it is my finding that the living arrangements between the parties for which the applicants bring this application fall squarely within the section 4(f) exclusion for transitional housing. As such, I am without jurisdiction to resolve this dispute.

The application is therefore dismissed, without leave to reapply.

The parties may, however, seek resolution of this matter by way of the Civil Resolution Tribunal (see <https://civilresolutionbc.ca/>).

This decision is made on delegated authority under section 9.1(1) of the Act.

Dated: February 11, 2022

Residential Tenancy Branch