



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNR, OLC, RPP, AAT, DRI, CNC, OPR

Introduction

Each applicant (both are also respondents) sought relief under the *Residential Tenancy Act* (“Act”).

Attending the hearing was the housing society’s agent. The respondent Mr. Y.S. did not attend hearing, which ended at 11:11 AM.

Preliminary Issue: Jurisdiction under the Act

In reviewing a copy of the “tenancy agreement” submitted by both parties, it became clear that the “tenancy” in this dispute falls under what is known as transitional housing. The housing society’s agent explained the program and its goals, which reflect that of a transitional housing program. It is also important to note that page 1 of the 11-page agreement includes a clause setting out that the “Program Accommodation”—under which Mr. Y.S. is in contract with the housing society – is exempt from the Act.

[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 facts before me, it is my finding that the living accommodation provided to Mr. Y.S. is living accommodation provided for transitional housing. As such, all legal matters (that is, contract law) concerning the program accommodation agreement between the parties are outside the jurisdiction of the Act and thus beyond my authority as an arbitrator delegated under the Act.

Any legal dispute between the parties would likely fall under the jurisdiction of the [Civil Resolution Tribunal](#) and the *Civil Resolution Tribunal Act*, SBC 2012, c. 25.

Conclusion

The parties' applications are dismissed for want of jurisdiction.

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

Dated: May 17, 2022

Residential Tenancy Branch