



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ELK VALLEY FAMILY SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET

Introduction

This hearing was convened as a result of the Applicant's Application for Dispute Resolution, made on May 18, 2022 (the "Application"). The Applicant applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- an order of possession to end a tenancy early for immediate and sever risk.

The Applicant's Agents K.T., K.B., the Respondent, and the Respondent's Advocate T.R. attended the hearing at the appointed date and time. At the start of the hearing, the Applicant's Agent stated that the living accommodation is supportive transitional housing for women. I note that the "Occupancy Agreement" between the parties contains a term which states:

"I understand that (C.H.) is a Transition Housing Programs with living Accommodation provided for transition housing to which the Residential Tenancy Act does not apply. Section 4(f) of the Act reads in part as follows: This Act does not apply to living accommodation provided for emergency shelter or transitional housing."

According to Section 4 of the Act: **This Act does not apply to**

- (a) living accommodation rented by a not for profit housing cooperative to a member of the cooperative,
- (b) living accommodation owned or operated by an educational institution and provided by that institution to its students or employees,
- (c) living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation,
- (d) living accommodation included with premises that
 - (i) are primarily occupied for business purposes, and
 - (ii) are rented under a single agreement,
- (e) living accommodation occupied as vacation or travel accommodation,
- (f) living accommodation provided for emergency shelter or transitional housing,**
- (g) living accommodation

- (i) in a community care facility under the *Community Care and Assisted Living Act*,
- (ii) in a continuing care facility under the *Continuing Care Act*,
- (iii) in a public or private hospital under the *Hospital Act*,
- (iv) if designated under the *Mental Health Act*, in a Provincial mental health facility, an observation unit or a psychiatric unit,
- (v) in a housing based health facility that provides hospitality support services and personal health care, or
- (vi) that is made available in the course of providing rehabilitative or therapeutic treatment or services,
- (h) living accommodation in a correctional institution,
- (i) living accommodation rented under a tenancy agreement that has a term longer than 20 years,
- (j) tenancy agreements to which the *Manufactured Home Park Tenancy Act* applies, or
- (k) prescribed tenancy agreements, rental units or residential property.

In this case, I accept the Applicant's Agents description of the living accommodation, along with the term in the Applicant's Agent's Occupancy Agreement confirms that the Act does not apply to this living arrangement. As such, 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: June 07, 2022

Residential Tenancy Branch