



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, AAT, LAT, LRE, OLC

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

And the tenant's application for:

- an order to allow access to or from the rental unit or site for the tenant or the tenant's guests pursuant to section 30;
- the cancellation of the One Month Notice to End Tenancy for Cause (the "**Notice**") pursuant to section 47;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62;
- authorization to change the locks to the rental unit pursuant to section 70; and
- an order to suspend or set conditions on the landlord's right to enter the rental unit pursuant to section 70.

The tenant did not attend this hearing, although I left the teleconference hearing connection open until 11:10 am in order to enable the tenant to call into the hearing scheduled to start at 11:00 am. The landlord's management coordinator ("**HB**") attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Dispute Resolution Proceeding. I used the teleconference system to confirm that HB and I were the only ones who had called into the hearing.

At the outset of the hearing, HB advised me that the tenant vacated the rental unit on March 7, 2022, pursuant to an order of the BC Supreme Court. She advised me that the landlord was a not-for-profit housing cooperative, and as such, the Act did not apply to it. On this basis, the BC Supreme Court was able to assume jurisdiction.

I agree that the Act does not apply to this dispute, as section 4(a) states:

- 4 This Act does not apply to
- (a) living accommodation rented by a not for profit housing cooperative to a member of the cooperative,

As such, I have no jurisdiction to adjudicate this dispute. In any event, even if I had jurisdiction under the Act, the application is moot, as the tenant has vacated the rental unit.

Accordingly, I decline to hear this application.

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 7, 2022

Residential Tenancy Branch