



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR-DR, FFL

### Introduction

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

- an order of possession for unpaid rent and utilities pursuant to section 55;
- authorization to recover the filing fee for this application pursuant to section 72.

This application was originally heard by way of a Direct Request Proceeding and on June 23, 2022, an interim decision was issued adjourning the application to be reconvened at a participatory hearing. The application was adjourned due to a potential jurisdiction issue.

The hearing was conducted by conference call. All named parties attended this hearing and were given a full opportunity to provide affirmed testimony, present evidence and make submissions. No issues were raised with respect to the service of the application and evidence submissions on file.

### Issue(s)

Do I have jurisdiction under the Act to make a decision on the application before me?

If yes, is the landlord entitled to an order of possession of the rental unit?

### Background and Evidence

Although it was the landlord that initiated this application, the landlord took the position that the Residential Tenancy Act did not apply to this living accommodation. The landlord submitted a copy of a signed Supportive Program Participant Agreement dated December 18, 2020. The agreement stipulates that the *Residential Tenancy Act* does not apply to this agreement as the Program Accommodation is only made available in the course of providing the Program Participant with the Support Services. The landlord

submits that they operate as transitional housing and provide various support services to assist the tenants with their day-to-day activities with the goal of eventually transitioning the tenants to maintain an independent tenancy.

The tenant did not dispute that the Act did not apply to this living accommodation.

### Analysis

Pursuant to paragraph 4(f) of the Act, the Act does not apply to living accommodation provided for emergency shelter or transitional housing.

The landlord filed this application. It was the landlord's own submission that the Act does not apply to this living accommodation. The tenant did not dispute the landlord's position. Based upon the undisputed testimony and submissions of the landlord, I find that I do not have jurisdiction over this matter.

### Conclusion

The landlord's application is dismissed in its entirety without leave to reapply as I do not have jurisdiction over this matter.

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: July 21, 2022

---

Residential Tenancy Branch