



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      **CNC**

### Introduction

This hearing dealt with an application by the tenant pursuant to the Residential Tenancy Act ("Act") for orders as follows:

- cancellation of the landlords' One Month Notice to End Tenancy for Cause ("One Month Notice") pursuant to section 47

Both parties attended the hearing with the landlord represented by an agent RS. The tenant JE appeared along with advocate JE. All parties were given a full opportunity to be heard, to present testimony, to make submissions, and to call witnesses.

Both parties confirmed they were not recording the hearing pursuant to Rule of Procedure 6.11. The parties were affirmed.

The tenant confirmed receipt of the One Month Notice dated August 26, 2022 with an effective date of September 30, 2022. Pursuant to section 89 of the Act the tenant is found to have been served with this notice in accordance with the Act.

The landlord testified that they received the tenant's dispute notice and materials and based on their testimony I find the landlord duly served in accordance with sections 88 and 89 of the Act. The landlord did not file materials.

### Preliminary Matter – Jurisdiction

The landlord advised that this rental property is a not-for-profit housing co-operative and the tenant's rent is subsidized. Section 4 of the Act states that the Act does not apply to not-for-profit housing co-operatives. Therefore, I do not have jurisdiction over this matter.

Conclusion

I decline to rule on this matter as I have no jurisdiction to consider 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: January 17, 2023

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Residential Tenancy Branch