



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding ISLAND NETWORKS INC.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNDCT, RR, ERP, LRE, LAT, OLC, OT

### Introduction

This hearing was scheduled to convene at 11:00 a.m. on August 24, 2023 concerning an application made by the tenant seeking the following relief:

- a monetary order for money owed or compensation for damage or loss under the *Residential Tenancy Act*, regulation or tenancy agreement;
- an order reducing rent for repairs, services or facilities agreed upon but not provided;
- an order that the landlord make emergency repairs for health or safety reasons;
- an order limiting or setting conditions on the landlord's right to enter the rental unit;
- an order permitting the tenant to change the locks to the rental unit;
- an order that the landlord comply with the *Act*, regulation or tenancy agreement; and
- an order that the landlord return the tenant's security deposit.

The tenant and an agent for the landlord company attended the hearing, during which I questioned the tenant about jurisdiction. The tenancy agreement, a copy of which has been provided for this hearing states: "OCCUPATION. The tenant may use the premises for the operation of a Gallery\Studio with related product and sales. The premises are for commercial business use only and will not be used for residential purposes."

The landlord's agent advised that the premises are a commercial building and always has been. The tenant has been living there without permission. The parties had been to a previous hearing and the tenant has misinterpreted the outcome.

I have reviewed the Decision of the previous hearing, and nowhere does it indicate that jurisdiction was accepted; the tenant's application was dismissed.

The tenant was not able to satisfy me that the *Residential Tenancy Act* applies, and therefore, I decline jurisdiction.

### Conclusion

For the reasons set out above, I decline jurisdiction to hear and decide on the tenant's 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: August 24, 2023

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Residential Tenancy Branch