



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with an application by the tenants for an order setting aside a notice to end this tenancy. Both parties were represented at the conference call hearing.

Issues(s) to be Decided

Does the rental unit in question fall under the jurisdiction of the *Residential Tenancy Act* (the "Act")?

Background and Evidence

The parties agreed that the rental unit is part of a cooperative and that the tenant H.W. is a member of the cooperative.

Analysis

Section 4(a) of the Act states that the Act does not apply to living accommodation rented by a not for profit housing cooperative to a member of the cooperative. I find that the Act does not apply to this tenancy.

Conclusion

The claim is dismissed for want of jurisdiction.

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: December 23, 2009
