

DECISION

Dispute Codes MNDC, FF

Introduction

This was an application by the tenant for a monetary order. The hearing was conducted by conference call. The applicant was represented by her sister-in-law who acted as her agent. The respondent did not call in and did not participate in the hearing. The applicant's agent testified that the applicant personally served the respondents with the application and Notice of Hearing on June 18, 2010.

Issues(s) to be Decided

Is the applicant entitled to a monetary order and if so in what amount?

Background and Evidence

The applicant resides in Brazil. With the assistance of her brother and sister-in-law she contracted to rent the subject rental unit for a one month term commencing May 28, 2010 and ending June 27, 2010. The rental unit is a one bedroom furnished apartment in a Vancouver highrise. The applicant's agent testified that the applicant made rental arrangement so she could stay in Vancouver to attend a one month English course and visit a friend who lives in Vancouver.

When the applicant arrived in Vancouver she found that the rental apartment was dirty and the internet, television and telephone were not working. She found another place to stay and requested the return of her rental payment from the landlord. When the

landlord refused to refund her payment she filed this application for dispute resolution before she returned to Brazil.

Analysis

Section 4 (e) of the *Residential Tenancy Act* provides:

4 This Act does not apply to

(e) living accommodation occupied as vacation or travel accommodation,

Although the rental agreement prepared by the landlord is entitled “Residential Tenancy Agreement”, and the agreement makes reference to the *Residential Tenancy Act*, the rental unit was booked for a short fixed term to accommodate the applicant during her visit to Vancouver. I find that the rental apartment was intended to be occupied by the applicant as vacation or travel accommodation and therefore the *Residential Tenancy Act* does not apply to this tenancy. I do not have jurisdiction to decide the applicant’s claim and it is dismissed. The applicant may choose to pursue her claim in some other forum.

Dated: November 02, 2010.
