



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR OLC

Introduction

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

- cancellation of the respondent's 10 Day Notice to End Tenancy for Unpaid Rent (the "Ten-Day Notice") pursuant to section 46; and,
- an order for the respondent to comply with the *Act*, regulation or tenancy agreement pursuant to section 62.

Both parties attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses and cross-examine witnesses.

Both parties had a dispute over the construction services.

The applicant testified that he undertook a construction project for the respondent and he has not been paid. The applicant testified that he occupied the construction site. The applicant testified that the respondent asked the applicant to sign a lease but he refused and he does not have a tenancy agreement with the respondent.

The respondent testified that he did not have a tenancy agreement with the applicant, written or oral. Further, the respondent testified that the applicant had not agreed to pay rent. The respondent testified that he imposed that rent demand because he claims that the applicant should have vacated the property by October 1, 2019.

Section 4 of the *Act* states that:

- 4 This Act does not apply to
 - (d) living accommodation included with premises that
 - (i) are primarily occupied for business purposes, and
 - (ii) are rented under a single agreement...

I find that the applicant's occupation of these premises was for primarily for business purposes. Accordingly, pursuant to section 4 of the *Act*, I find that the Residential Tenancy Branch does not have the jurisdiction to resolve this dispute.

Conclusion

I decline to hear this matter further 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: November 05, 2019

Residential Tenancy Branch