



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OLC

### Introduction and Analysis

This hearing was convened as a result of the applicant's Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (the Act). The applicant has applied for an order directing the respondent to comply with the Act, regulation or tenancy agreement.

The applicant, a support person for the applicant MH (support person), the respondent and counsel for the respondent (counsel) attended the teleconference hearing. The applicant and respondent were affirmed. During the hearing, the applicant testified that they did not have a written tenancy agreement and that in 2002, they rented a barn with no power for storage purposes. Counsel submits that the Act does not apply to this arrangement as the barn was never designed for residential use, was only rented for storage and did not have power until 2016, and does not have a bathroom or kitchen facilities. The tenant did not dispute that the barn does not have a bathroom or kitchen facilities.

Based on the above, I find the Act does not apply to this matter as I find the evidence from the applicant and respondent support that this was an agreement to rent storage in a barn and that there was no power, bathroom or kitchen facilities inside the barn. As a result, I find the applicant has provided insufficient evidence to support that the Act applies to this matter.

Based on the above, I refuse jurisdiction to hear this dispute as I find the Act does not apply to the rental of a barn for storage purposes. I find there is insufficient evidence before me to support that a tenancy agreement was form for residential purposes.

I find the parties do not have a landlord and tenant relationship under the Act.

Conclusion

The application has been refused due to lack of jurisdiction under the Act. I do not grant leave to reapply.

This matter does not relate to a residential tenancy agreement under the Act as the evidence before me supports that the applicant was renting storage in a barn.

This decision will be emailed to both parties at the email addresses confirmed during the hearing.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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 16, 2019

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Residential Tenancy Branch