



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ERP, FFT

Introduction

Pursuant to section 58 of the *Residential Tenancy Act* (the *Act*), I was designated to hear an application regarding the above-noted tenancy. The tenant applied for:

- an order for emergency repairs, pursuant to section 33 of the *Act*; and
- an authorization to recover the filing fee for this application, pursuant to section 72 of the *Act*.

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

Preliminary Issue – Jurisdiction

At the outset of the hearing both parties agreed they have a commercial tenancy agreement since January 01, 2020 and that the premises are primarily occupied for farming business purposes under a single agreement.

Section 04 of the *Act* states:

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,

Thus, pursuant to section 4(d)(i) and (ii) of the Act, I have no jurisdiction to hear this application.

The tenant must bear the cost of her filing fee.

Conclusion

The tenant's application for an authorization to recover the filing fee for this application is dismissed without leave to reapply.

I decline jurisdiction to consider the other claim in 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 25, 2020

Residential Tenancy Branch