



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNR, CNC, FFT

Introduction

This hearing was convened as a result of the Applicant's application under the *Residential Tenancy Act* (the "Act") for:

- cancellation of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities pursuant to section 46;
- cancellation of a One Month Notice to End Tenancy for Cause pursuant to section 47; and
- authorization to recover the filing fee for this application from the Respondent pursuant to section 72.

The Respondent attended this hearing and gave testimony. The Applicant did not attend.

Jurisdiction

The Respondent confirmed that the Applicant was renting a garage for storage, not a residence.

According to section 2(1) of the Act, the Act applies to tenancy agreements, rental units and other residential property. The Act defines a rental unit as "living accommodation" rented or intended to be rented to a tenant. A tenancy agreement is an agreement between a landlord and a tenant respecting possession of a rental unit and use of common areas, services, and facilities.

Based on the Respondent's undisputed evidence, I find the Applicant was not renting living accommodation from the Respondent. I conclude that the Act does not apply in the circumstances.

My authority is only with the Act, and since the Act does not apply, I decline jurisdiction to hear and decide any matters relating to this dispute.

Conclusion

Pursuant to section 62(1)(b) of the Act, I decline jurisdiction with respect to this dispute.

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: March 27, 2023

Residential Tenancy Branch