



Policy Number: 01-005
Subject: Exempted Living Accommodations
Chapter: General Issues

Legislation	s. 3(4)
Definitions	Exemptions: for the purpose of this manual, exemptions refers to living accommodations where the Residential Tenancies Act, 2018 does not apply.
Purpose	The purpose of this policy is to identify living arrangements to which the Residential Tenancies Act, 2018 does not apply. If it is determined that a situation is exempt, the applicant may be directed to make an application to a court which has jurisdiction to deal with the matter.
Policy	<p>The Residential Tenancies Act does not apply to the following:</p> <ul style="list-style-type: none">(a) Living accommodations used or occupied on a transient basis provided in a hotel, motel, inn, tourist home, hostel or other similar accommodation;(b) living accommodation used or occupied as a vacation home for a seasonal or temporary period;(c) living accommodation used or occupied by a person for penal, correctional, rehabilitative or therapeutic purposes or for the purpose of receiving care;(d) living accommodation provided to temporarily shelter persons in need;(e) living accommodation provided in a hospital, nursing home or a home established to provide personal care for the aged;(f) living accommodation provided by an educational institution to its students;(g) living accommodation provided on a transient basis by a religious, charitable or non-profit organization for the purpose for which it is established;(h) living accommodation provided by a co-operative housing corporation to its members or shareholders who use or occupy



	<p>the living accommodation;</p> <p>(i) living accommodation attached to residential premises used or occupied for a business purpose where both are under a single rental agreement, unless the person using or occupying the living accommodation is a person other than the person using or occupying the residential premises for business purposes;</p> <p>...</p> <p>(k) an attornment clause in a mortgage or other instrument creating a security interest in residential premises.</p>
Procedure Overview	<p>Where there is a dispute between the parties regarding the application of the Residential Tenancies Act, 2018 either party may make an application to have the issue of jurisdiction decided by an adjudicator.</p> <p>If it is determined that the Residential Tenancies Act, 2018 does apply, any other issued identified in the application and heard will also be decided.</p> <p>If it is determined that the Residential Tenancies Division, 2018 does not apply, the parties will be referred to the appropriate court, (ie. Small Claims Court) or advised to seek legal counsel.</p>
Forms & Form Letters	N/A
X-Reference	N/A
Policy Developed	September, 2000
Policy Revised	January, 2002 September, 2021
Other Resources	