



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNC, OPR, MNR, FF

Introduction

This was a joint application by both parties seeking dispute resolution. The Purchaser/tenant was seeking an Order to cancel a Notice to End Tenancy The vendors/landlords were seeking an Order of Possession, a Monetary Order for unpaid rent and a Monetary Order to recover the filing fee.

Both parties in question had signed a rent to purchase agreement for a mobile home. The agreement stated that if the purchaser/tenant defaulted on the monthly payments then the agreement would become void and any payments made would be considered rent paid. The agreement started on April 01, 2007 and a deposit of \$1,000.00 was paid at this time. This left the remainder of \$13,000.00 to be paid by monthly instalment of \$600.00 which included 6% interest to end on March 01, 2009. The purchaser/tenant was also liable to pay property taxes and fire insurance.

The vendor/landlord claims that the purchaser/tenant did not pay the last two months of the agreement and have not paid the property taxes or fire insurance. The purchaser/tenant claims they have overpaid the remainder of the original sum of \$13,000.00. They also claim they have paid both the property taxes and fire insurance.

As these applications pertain more to ownership and there appears to be sufficient evidence that the agreement has been substantially performed. Section two of the *Manufactured Home Park Tenancy Act* applies to tenancy agreements and as this is a



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rent to purchase agreement I find that the *Act* does not apply. As to that end I refer both parties to the Residential Tenancy Policy Guidelines 27 paragraph 5 'Transfer of an Ownership Interest'. As a result of this I decline jurisdiction in this matter.

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: May 07, 2009.

Dispute Resolution Officer