



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

MT, CRL, MNR, MNDC

Introduction

This hearing was scheduled in response to the Tenant's Application for Dispute Resolution, in which the Tenant has made application for more time to apply to cancel a Notice to End Tenancy for Landlord's use of Property, a monetary Order for the cost of emergency repairs and for damage and loss.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained, evidence was reviewed and the parties were provided with an opportunity to ask questions about the hearing process. They were provided with the opportunity to submit documentary evidence prior to this hearing, all of which has been reviewed, to present affirmed oral testimony and to make submissions during the hearing. I have considered all of the evidence and testimony provided.

Jurisdiction

At the start of the hearing the parties both agreed that this dispute relates to a property purchase agreement. The Landlord confirmed that his evidence supporting the relationship as one involving the purchase of property is accurate and that he and the Applicant had initially entered into a property purchase agreement. This understanding was confirmed by the Tenant; that she has not entered into a tenancy, but a property purchase agreement.

The Residential Tenancy Act applies to tenancy agreements and if the relationship between the parties is that of seller and purchaser of real estate the legislation does not apply and the parties have not entered into a tenancy agreement as defined in section 1 of the Act. As the parties have confirmed that they have entered into a purchase agreement I find that there is no jurisdiction under the Residential Tenancy Act, that the Act does not apply and that this Application is dismissed without leave to reapply.

Conclusion

This Application for Dispute Resolution is dismissed without leave to reapply as jurisdiction is declined.

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: November 30, 2009.

Dispute Resolution Officer