

DECISION

Dispute Codes CNL, FF

Introduction

This hearing dealt with the tenant's Application for Dispute Resolution to cancel a notice to end tenancy.

The hearing was conducted via teleconference and was attended by both parties.

Issues(s) to be Decided

The issues to be decided are whether the tenant is entitled to cancel a 2 Month Notice to End Tenancy for Landlord Use and to recover the filing fee from the landlord for the cost of the Application for Dispute Resolution, pursuant to sections 49, 67, and 72 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The tenant submitted into evidence the following documents:

- A copy of a 2 Month Notice to End Tenancy for Landlord's Use of Property dated May 21, 2010 with an effective date of July 29, 2010 citing the rental unit will be occupied by the landlord or the landlord's spouse or a close family member of the landlord; and
- A copy of an agreement for sale between the parties signed on September 18, 2006 selling the dispute address with a down payment of \$3,000.00 and payments of \$300.00 per month.

In her testimony, the landlord described the agreement as a tenancy with a security deposit of \$3,000.00 and that she had increased the "rent" to \$350.00 per month.

Analysis

The *Act* defines a tenancy agreement as an agreement, between a landlord and a tenant respecting possession of a rental unit, use of common areas and services and facilities and includes a licence to occupy a rental unit.

As the document submitted by the tenant signed by all parties clearly states it is an agreement for sale and does not refer to a tenancy or a rental unit but specifically refers to the buyers and the seller; a down payment and interest rates, I find this agreement between the parties to not be a tenancy agreement under the *Act*.

Conclusion

Based on my findings above, I decline jurisdiction on this matter and dismiss the tenant's application in its entirety, without leave to reapply.

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: July 20, 2010.

Dispute Resolution Officer