



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR

Introduction

This matter dealt with an Application by the Landlord for an Order of Possession. In previous proceedings between these parties heard on June 7, 2011, the Tenants applied to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities and for compensation for damage or loss under the Act or tenancy agreement. In a decision issued on June 7, 2011, I stated as follows:

“Given the contradictory evidence of the parties as to whether there is a tenancy agreement in place or whether their living arrangement is based on an agreement to purchase the property, I find that there is insufficient evidence to conclude that there is a tenancy agreement in place. Consequently, I find that *there is no jurisdiction to hear this matter* [emphasis added] and the Parties will likely have to pursue it in the Supreme Court of British Columbia.”

The Landlord said he believed that the Decision prohibited only the Tenants from re-applying. However, this is not the case; for the same reasons set out in my Decision dated June 7, 2011 (and reproduced above), I find that **this dispute** does not fall within the jurisdiction of the Act and therefore **both Parties** may not bring any further applications regarding this matter.

Conclusion

The Landlord's application is dismissed without leave to reapply due to a lack of jurisdiction. 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: September 27, 2011.

Residential Tenancy Branch