



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, FF, Other

Introduction

This hearing was convened in response to an application filed by the tenant seeking a monetary order for compensation for damage or loss in the sum of \$24,572.00, an order to recover the filing fees paid for this application and “other” which the tenant submits relates to his claim for damages.

Issue(s) to be Decided

Is this matter within the jurisdiction of the Residential Tenancy Branch? If so, is the tenant entitled to the Orders sought?

Background and Evidence

The landlord submits that the tenant owns an interest in the property and this dispute is not within the jurisdiction of the Residential Tenancy Branch.

The tenant states that this is a “rent to own” arrangement and he believes himself to be a tenant.

The landlord submitted a Contract of Purchase and Sale entered into by the tenant and the owner of the mobile home whereby the tenant agreed to pay \$35,000.00 the owner to purchase the mobile home. The contract sets out that the tenant will pay \$1,500.00 down and the balance of \$33,500.00 plus 10% interest at the rate of \$500.00 per month until paid in full. The tenant agreed to be responsible for all taxes, insurance, maintenance, repairs.

The landlord submits that the tenant has not resided in the home since July and is currently in default of his mortgage payments.

Analysis

Based on the evidence submitted I find that the tenant has an ownership interest in the subject property. Because the tenant has an ownership interest I find that I have no jurisdiction to deal with his application.

Conclusion

The application is dismissed for want 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*.
