



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

This hearing was scheduled to hear a tenant's application to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities. Both parties were represented by legal counsel at the hearing.

Preliminary Issue

The applicant's lawyer submitted that the Act does not apply to the parties and I do not have authority to resolve this dispute as the applicants have a Right to Purchase registered on the title of the subject property. The respondent's lawyer was in agreement that the Act does not apply to the relationship between the parties.

The respondent's lawyer had submitted copies of the following documents to the applicants' lawyer and the Branch prior to the hearing: the 10 Day Notice to End Tenancy for Unpaid Rent served upon the applicants; a Form C transfer document; a State of Title Certificate, and some of the pages of a purchase agreement.

Where a relationship between the parties is that of a seller and purchaser of real estate, the Act does not apply to the parties as they have not entered into a "tenancy agreement" as defined by the Act. Based upon the submissions before me, I accepted that the Act does not apply in this case and I declined jurisdiction to hear this matter.

As the Act does not apply to the relationship between the parties, the 10 Day Notice to End Tenancy issued under the Act is of no force or effect.

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: January 03, 2012.

Residential Tenancy Branch