



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes DRI, MNDC, OLC, FF

Introduction

Some documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The applicant(s) testified that the respondent was served with notice of the hearing by registered mail that was mailed on January 25, 2012, however the respondent(s) did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for a monetary order in the amount of \$5,000.00 and a request for recovery of the \$50.00 filing fee.

Decision and reasons

It is my finding that the Residential Tenancy Act has no jurisdiction over this dispute.

The applicants were renting this rental unit however the applicant testified that they also signed an intent to purchase agreement and paid a deposit towards the purchase, in the amount of \$1500.00.

The Residential Tenancy Act only has jurisdiction over residential tenancy agreements, and since the applicants have signed an intent to purchase agreement and paid a deposit towards the purchase it is my finding that the applicants have more of an interest in this property than that of a tenant as defined by the Residential Tenancy Act and therefore the Residential Tenancy Act has no jurisdiction over this dispute.

Conclusion

I therefore decline jurisdiction and will not hear the merits of this case.

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: February 15, 2012.

Residential Tenancy Branch