



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      FF, MND, MNDC, MNR

### Introduction

A substantial amount of documentary evidence, photo 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(s) were served with notice of the hearing by registered mail that was mailed on December 30, 2011, 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 for \$8,713.95

### Background and evidence

At the hearing the applicant testified that:

- This dispute arose from a contract of purchase in which the respondents agreed to purchase the house with a closing date of September 30, 2011.
- The respondents also agreed to pay a reduced monthly rent until they closed the sale.
- The respondents breached the contract and never closed the sale, and then remained in the house until November 3, 2011.

### Analysis

The Residential Tenancy Act only has jurisdiction over disputes that arise from residential tenancies, and has no jurisdiction over contracts for purchase and sale.

Therefore since this dispute arose from a contract to purchase the unit, it is my finding that the respondents have more of an interest in this property than that of tenants, 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 28, 2012.

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Residential Tenancy Branch