



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNSD, MNDC, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlords for a monetary order.

Both parties appeared, and were provided the opportunity to present their evidence and make submissions.

Preliminary Issue

Before proceeding to examine and consider the merits of the landlords' application, I must determine whether this application has jurisdiction under the *Residential Tenancy Act*. The legislation does not confer authority to consider disputes between all types of relationships between parties. Only relationships between landlords and tenants can be determined under the *Act*.

In this case, the parties entered into a Contract of Purchase and Sale agreement on September 28, 2010 and an addendum to that agreement was made on March 28, 2011. Filed in evidence is a copy of those two documents.

I find that the parties did not enter into a tenancy agreement as set out in 13(1) of the *Act* and the Residential Tenancy Act does not have jurisdiction where the interest of the tenant in the property appears to be greater than the right to possess.

Therefore, I dismiss the landlords' application for lack of jurisdiction.

Conclusion

I dismiss the landlords' application for 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: March 20, 2012.

Residential Tenancy Branch