



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MNDC, MND, MNSD and FF

This application was brought by the landlords on June 25, 2012 seeking a monetary award for unpaid rent, loss of rent, damage to the rental unit, recovery of the filing fee for this proceeding and authorization to retain the security deposit in set off against the balanced owed, a monetary claim totalling \$16,900.

The tenant did not attend the conference call hearing, although the landlords stated they had sent the Notice of Hearing to him by registered mail at an address at which they believed he resides.

I note at the outset that the Tenancy Agreement submitted into evidence ran in parallel to a Contract of Purchase and Sale. The agreement for sale was dated May 2, 2010 and the tenancy agreement was dated the following day.

Under the agreement for sale, the tenant was to pay a \$5,000 deposit and \$500 per month toward the purchase for 18 months from June 1, 2010 to November 1, 2011 with the sale to complete on December 1, 2011. These funds were to be forfeit to the landlords if the sale did not complete.

The tenancy agreement was for the 18-month fixed term to begin on May 4, 2010 to end on December 1, 2011 with the provision that the tenant must vacate the rental unit at that time. Monthly rent is stated as "1300 Plus \$500 Principal," and the agreement stated that the tenant paid a security deposit of \$650.

As explained to the applicants, the Supreme Court of British Columbia holds exclusive jurisdiction in disputes over real property.

Given the possibility that the Court might find the Residential Tenancy Agreement and the Contract of Purchase and Sale are co-mingled and need to be considered together, I find that the Residential Tenancy Branch must decline jurisdiction in this matter unless and until directed otherwise by the Court.

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: August 31, 2012.

Residential Tenancy Branch