



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes DRI, MNDC, RP, RR, FF

Introduction

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order in relation to a rent increase – Section 43;
2. A Monetary Order for compensation - Section 67;
3. An Order that the Landlord make repairs to the unit – Section 32;
4. An Order allowing the Tenant to reduce rent for services/facilities agreed upon but not provided – Section 65;
5. An Order to recover the filing fee for this application - Section 72; and
6. Other.

The Tenant and Landlord were each given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Do the Parties have a tenancy agreement?

Background and Evidence

The following are agreed facts: The tenancy started on August 1, 2011 with rent of \$4,500.00 payable monthly. This rental amount remained the same until October 1, 2012, when the Parties entered into an agreement whereby a portion of the rental monies collected by the Landlord each month would be paid towards the purchase of the unit with completion of the purchase of the unit by September 2013.

Analysis

Section 2 of the Act provides that the Act applies to tenancy agreements, rental units and other residential property. If the relationship between the parties is that of seller and purchaser of real estate, the Act would not apply as the parties have not entered into a "Tenancy Agreement" as defined in section 1 of the Act. It does not matter if the parties have called the agreement a tenancy agreement. If the monies that are changing hands are part of the purchase price, a tenancy agreement has not been entered into. Given the agreed facts that monies are being paid on a monthly basis towards the purchase price of the unit, I find that the Parties do not have a tenancy agreement as contemplated by the Act. I therefore dismiss the Tenant's application.

Conclusion

The Tenant's application is dismissed.

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 15, 2013

Residential Tenancy Branch