



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OPR, MNR, FF

This hearing dealt with an application by the tenants for an order cancelling a notice to end this tenancy and a cross-application by the landlord for an order of possession and a monetary order. Both parties participated in the conference call hearing.

The undisputed facts are that the landlord granted to the tenants an option to purchase the residential property, which option was not exercised prior to its expiry in 2013 and that the tenants have undertaken substantial renovations at the unit, although there is a dispute as to whether the renovations were required or agreed to by the parties.

The tenants asserted that they have an ownership interest in the property or at the very least, a claim for unjust enrichment which they may advance in the Supreme Court.

In order to take jurisdiction over this tenancy, I must be satisfied that the tenants do not have an ownership interest in the property. I am not persuaded on the facts that this is the case. The Option to Purchase document signed by the parties is unclear and I find that it is entirely possible that the tenants may have some registrable interest in the property. For this reason, I find that the tenancy falls outside the purview of the *Residential Tenancy Act* and I decline to take jurisdiction over this tenancy.

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: January 06, 2014

Residential Tenancy Branch

