



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 rental to own agreement, the respondents were required to pay rent, which was calculated based on the monthly mortgage, house insurance and land taxes. In addition to that amount, the respondents were required to pay the monthly interest of approximately \$260.00, for the line of credit mortgage, for the cost of the down-payment on the home, other taxes, levies, the renovations and appliances and the respondents had ten years to pay off the mortgage.

Given the potential of an interest in the real property by the tenants, I must refuse jurisdiction on the grounds that such interest is the exclusive domain of the Supreme Court of British Columbia.

Therefore, I decline to hear the landlords' application for lack of jurisdiction.

Conclusion

I decline to hear 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: April 07, 2014

Residential Tenancy Branch

