



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, FF, O

Introduction

This matter dealt with an application by the Landlord for an Order of Possession, for compensation for unpaid rent, for the Landlord to retain the Tenants' security deposit, to recover the filing fee and for other considerations.

At the start of the conference call it was determined that the contract between the parties was a "Contract of Purchase and Sale" and an addendum to the contract that was an "Agreement for Sale". The Landlord said there was a provision in the contract to convert it to a tenancy agreement if the contract was not completed, but the terms were not very clear.

The Arbitrator indicated that the file showed that the Landlord was told during the application process that jurisdiction may be an issue. The Arbitrator told the Landlord that sales agreements are not in the jurisdiction of the Residential Tenancy Act and as such the Arbitrator has no authority to make any finding or decision with respect to this dispute as it is based on a sales agreement or contract. Consequently the application is dismissed without leave to reapply due to lack of jurisdiction. The applicant may want to seek legal advice to determine how to proceed with his claims.

In the absence of evidence to show there is a tenancy between the Applicant and Respondent the Residential Tenancy Branch does not have jurisdiction in this situation. I dismiss the application as I find no authority to decide this matter under the *Residential Tenancy Act*.

Conclusion

The application is dismissed 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: August 27, 2014

Residential Tenancy Branch

