



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNR, MNSD, FF

Introduction

This matter dealt with an application by the Landlord for compensation for damage to the unit site or property, for loss or damage under the Act, regulations or tenancy agreement, to recover the filing fee and to retain the tenants' security deposit.

At the start of the conference call it was determined that the agreement between the parties was a rent to own contract. As this type of contract is an agreement to purchase a property not a tenancy agreement. As a result the parties are not landlords and tenants but buyers and sellers. Consequently, I find this situation is not a tenancy and there is no tenancy agreement between the parties. As there is no tenancy contract between the Applicant and the Respondent; I do not have jurisdiction to make a finding in this matter. 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: September 20, 2016

Residential Tenancy Branch

