



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes                      MNDC, FF, O

### Introduction

This matter dealt with an application by the Tenant for compensations for loss or damage under the Act, regulations or tenancy agreement, to recover the filing fee for this proceeding and for other considerations.

At the start of the conference call it was determined that the Applicant was not a tenant, but a purchaser of the property. The Applicant submitted a document titled R. Sale to W. Addendum to Rental Purchase Agreement dated September 16, 2016. The document is signed by both the owner of the property L.R. and the Applicant J.W. Section 2.1 of the Act says the Act only applies to tenancy agreements, rental units and rental properties. The Act does not apply to sale agreements or rental/purchase agreements. This situation is documented as a rental/purchase agreement. Consequently because this situation is a purchase contract not a tenancy contract between the Applicant and the Property Owner, I do not have jurisdiction to make a finding in this matter. The Applicant and the Respondent may want to seek legal advice to determine how to proceed with this situation.

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: June 06, 2017

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Residential Tenancy Branch