



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC FF O

Introduction

This hearing was convened as a result of the tenant's Application for Dispute Resolution ("application") pursuant to the *Residential Tenancy Act* ("Act") for a monetary claim of \$9,000.00 for double the amount of monthly rent due to the landlord allegedly violating the reason as set out in a 2 Month Notice to End Tenancy for Landlord's Use of Property.

The tenant attending the teleconference hearing and the landlord did not attend. As a result, service of the Notice of a Dispute Resolution Hearing ("Notice of Hearing"), application and documentary and digital evidence were considered. The tenant provided a registered mail tracking number in evidence which has been included on the cover page of this decision for ease of reference. The tenant affirmed that on July 17, 2017 the landlord was served with the Notice of Hearing, application and documentary and digital evidence by registered mail. According to the online registered mail tracking website, the landlord signed for and accepted the registered mail package on July 27, 2017. As a result, I find the landlord was sufficiently served as of July 27, 2017 which is the date the landlord signed for and accepted the tenant's registered mail package.

At the outset of the hearing, the tenant presented a tenancy agreement which included language that supports a "rent to own" arrangement between the tenant and the landlord. The tenant also confirmed that the parties did sign a "rent to own" agreement and that the landlord later reneged on that agreement.

Given the potential of an interest in the real property by the tenant beyond mere possession, **I decline to hear this matter due to lack of jurisdiction under the Act** on the grounds that determination of such interest is within the exclusive jurisdiction of the Supreme Court of British Columbia.

I do not grant the recovery of the cost of the filing fee as a result.

Conclusion

I decline to hear this matter due to lack of jurisdiction under the *Act*. This matter falls within the exclusive jurisdiction of the Supreme Court of British Columbia.

This decision is final and binding on the parties, unless otherwise provided under the *Act*, and 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 9, 2018

Residential Tenancy Branch