



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC FFT

Introduction

This hearing was convened as a result of the tenants' Application for Dispute Resolution ("application") pursuant to the *Residential Tenancy Act* ("Act") to cancel a 1 Month Notice to End Tenancy for Cause ("1 Month Notice") and to recover the cost of the filing fee.

Tenant CF and a witness for the tenants ("witness") attended 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 affirmed that the landlord was served by her witness on or about April 13, 2018 with the Notice of Hearing, application and her documentary evidence via personal service. As a result, the witness was called and affirmed and testified in support of the agent's testimony that she served the landlord with the dispute resolution package on behalf of the tenant. As a result, I find the landlord was sufficiently served on or about April 13, 2018 in accordance with the tenant's testimony and which was supported by the unopposed and affirmed testimony of the witness.

At the outset of the hearing, the tenants presented a contract between the parties which included language that indicates a "rent to own" contract between the tenants and the landlord. The tenants also confirmed that they now own the rental unit as the bank approved a mortgage for the remainder of what they owe the landlord for the property.

Given the potential of an interest in the real property by the tenants 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 will be sent to the email address of the tenants confirmed during the hearing. The landlord will be provided with this decision by regular mail as an email address for the landlord was not provided.

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: June 13, 2018

Residential Tenancy Branch