



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC, CNL, MNDCT, OLC, LRE, 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 2 Month Notice to End Tenancy for Landlord's Use of Property ("2 Month Notice"), to cancel a 1 Month Notice to End Tenancy for Cause ("1 Month Notice"), for a monetary order in the amount of \$35,000.00 for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement, for an order to suspend or set limits on the landlord's right to enter the rental unit, site or property, for an order directing the landlord to comply with the *Act*, regulation or tenancy agreement, and to recover the cost of the filing fee.

Tenant LG ("tenant") and the landlord attended the teleconference hearing. The parties confirmed that the tenants had originally paid \$20,000.00 towards the purchase of the property as a "rent to own" arrangement.

A copy of the contract for purchase and sale was submitted in evidence and included language that supports a "rent to own" arrangement between the tenants and the landlord. In addition, the landlord affirmed that there was a "rent to own" arrangement with the tenant.

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. Therefore, I find that this matter is not within the jurisdiction of the *Act*.

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.

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

This decision will be emailed to both parties at the email addresses confirmed during the hearing.

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: September 13, 2018

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Residential Tenancy Branch