



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNR, OLC, LRE**

Introduction

This hearing was convened by way of conference call in response to the Applicant's application for dispute resolution ("Application") under the *Residential Tenancy Act* (the "Act") in which the Applicant seeks:

- cancellation of a 10 Day Notice for Unpaid Rent and/or Utilities pursuant to section 46;
- an order the Respondent comply with the Act, *Residential Tenancy Regulations* and/or tenancy agreement pursuant to section 62; and
- an order to suspend or set conditions on the Respondent's to enter the rental unit pursuant to section 70.

The Applicant did not attend this hearing. I left the teleconference hearing connection open until 11:13 am in order to enable the Applicant to call into this teleconference hearing scheduled for 11:00 am. The Respondent attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Dispute Resolution Proceeding ("NDRP"). I also confirmed from the teleconference system that the Respondent and I were the only ones who had called into this teleconference.

The Respondent stated she had not been served by the Applicant with the NDRP. The Respondent stated she obtained the information regarding this hearing from the Residential Tenancy Branch.

Preliminary Matter - Jurisdiction

The Respondent stated she owns a manufactured home and the land on which the home sits. The Respondent submitted a copy of a signed “rent to own agreement” dated November 26, 2019 (“Agreement”) between the Applicant and Respondent. The Respondent confirmed the Agreement was for the purchase and sale of both the manufactured home and the land on which the home sits.

I find that, pursuant to the terms of the Agreement, there is potential for the Tenant to have acquired an interest in land greater than that of a tenant. As this is a dispute between a seller and a purchaser under a rent to own contract, I find I have no jurisdiction to hear this matter. Therefore, I decline to hear this Application.

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: April 23, 2022

Residential Tenancy Branch