



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes FF, MNDC, MNR, OPR, CNR,

### Introduction

A substantial amount of documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties .

All testimony was taken under affirmation.

### Issues(s) to be Decided

This decision deals with two applications for dispute resolution, one brought by the tenant and one brought by the landlords. Both files were heard together.

The tenant's application is a request to cancel a Notice to End Tenancy. The tenant is also requesting that the landlord bear the \$50.00 cost of the filing fee that she paid for her application for dispute resolution

The landlord's application is a request for an Order of Possession based on a Notice to End Tenancy for non-payment of rent, a request for a monetary order for \$2400.00, and a request that the tenant bear the \$50.00 cost of the filing fee that he paid for his application for dispute resolution.



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## Jurisdiction

Before proceeding with a hearing on the merits of the applications, I dealt with the matter of jurisdiction, and it is my finding that the Residential Tenancy Act does not have jurisdiction over this matter at this time.

The landlord and tenant both signed an agreement in July of 2007 that indicates that the tenant is to be added onto the mortgage and that she and the landlord will both be accruing equity in the home.

The parties are now in dispute over whether or not that agreement is still in place, however I do not have the jurisdiction to make a finding in that matter.

Therefore it is my decision that the parties will have to resolve the dispute over this agreement through the courts.

## Conclusion

I declined jurisdiction over this matter.

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: December 17, 2010.

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Dispute Resolution Officer