



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, OLC and FF

Introduction

This hearing was convened on the tenant's application to have set aside a Notice to End Tenancy for unpaid rent, an Order that the landlord comply with the rental agreement or legislation, and recovery of the filing fee for this proceeding.

The landlord and tenant are mother and son and matters in dispute include a challenge as to whether there is a residential tenancy or whether the tenant has an interest in the rental property.

Evidence submitted included a copy of a Caveat registered by the tenant against the title of the rental property held by the landlord making claim that it is encumbered by a constructive trust in which the "tenant" is among the beneficiaries.

Given the potential of an interest in the real property by the tenant, I must refuse jurisdiction on the grounds that such interest is the exclusive domain of the Supreme Court of British Columbia.

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: June 25, 2012.

Residential Tenancy Branch