



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

### Dispute Codes

For the landlord: OPR MND MNR MNDC FF  
For the tenant: MT CNR MNDC

### Introduction and Conclusion

This hearing was convened as a result of the cross-applications of the parties seeking remedy under the *Residential Tenancy Act* (the “Act”).

The tenant applied to allow the tenant more time to make an application to cancel a Notice to End Tenancy, to dispute a Notice to End Tenancy for Unpaid Rent or Utilities, for a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement, and to recover the filing fee.

The landlord applied for an order of possession for unpaid rent or utilities, for a monetary order for damage to the unit, site or property, for unpaid rent or utilities, for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement, and to recover the filing fee.

The applications of both parties contain monetary claims of \$25,000.00. The landlord is of the opinion that the tenancy has a “rent to own” component to it, whereas the tenant is of the opinion that she currently owns the property and provided evidence of a \$50,000.00 payment to the landlord.

Given the potential of an interest in the real property by the tenant beyond mere possession, **I must refuse jurisdiction** on the grounds that determination of such interest is within the exclusive jurisdiction of the Supreme Court of British Columbia.

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: March 05, 2013

---

Residential Tenancy Branch

