



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL MNR MNDC FF O

Introduction

This hearing was convened as a result of the application of the tenant seeking remedy under the *Residential Tenancy Act* (the “Act”). The tenant applied to dispute a Notice to End Tenancy for Landlord’s Use of Property, for a monetary order for the cost of emergency repairs, for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement, for “other”, and to recover the filing fee.

Preliminary and Procedural Matter

At the outset of the hearing, counsel argued that that the tenant named the incorrect party as the landlord. As a result, the tenant requested to amend his application to replace the name of the law company, the address of which was provided as the service address for the landlord on the Notice to End Tenancy, with the name of the landlord, AB. The tenant’s application was therefore amended to replace the name of the law company with the name of the landlord, AB. After counsel had the opportunity to consult with landlord, AB, counsel confirmed that he was asked by landlord, AB to represent the landlord during the hearing.

Background and Conclusion

The tenant’s monetary claim is in the amount of \$25,000.00. The tenant testified that he paid a \$20,000.00 deposit towards the purchase of the rental unit and that he continues to have an interest in the rental unit beyond mere possession.

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: May 08, 2013

Residential Tenancy Branch