



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, CNR

There are applications filed by both parties. The Landlord seeks an order of possession and a monetary order for unpaid rent. The Tenant seeks an order cancelling the notice to end tenancy.

Both parties attended the hearing by conference call and gave testimony. As both parties have attended and have acknowledged receiving the notice of hearing package and submitted documentary evidence of the other party, I am satisfied that both parties have been properly served.

During the hearing both parties agreed that this was a “constructive trust”. The property was sold from the Tenant to the Landlord with the understanding that the Tenant would continue to live in the residence and pay for the mortgage and any maintenance, utilities and property taxes while maintaining an ownership interest in the rental property. The property was to eventually be sold back from the Landlord to the Tenant. Both parties confirmed that this was a verbal agreement with no conditions of a tenancy. Both parties agreed that this was not a Landlord/Tenant relationship, but were trying to avoid any action in the Courts.

As both parties are in agreement, I find that the Residential Tenancy Branch has no jurisdiction over this issue. No further action is required.

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 18, 2013

Residential Tenancy Branch

