



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Blue Northern Industries Inc.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

DRI, MNDC, FF

Introduction

The Applicant seeks to dispute an additional rent increase; compensation for damage or loss under the Act, regulation or tenancy agreement; and to recover the cost of the filing fee from the Landlords.

The parties gave affirmed testimony at the Hearing.

Preliminary Matter

At the outset of the Hearing, it was determined that the Applicant used to own the subject property, which was purchased by the Respondent in January, 2010. The Applicant holds a second mortgage on the subject property. The Applicant still resides in the property. The parties entered into an agreement that the Applicant would pay the Respondent \$1,133.00 per month to offset payments due from the Respondent on the second mortgage.

Analysis

Based on the testimony of both parties, I find that the Applicant has an interest in the property which exceeds the right to possession of the property. She holds an interest against the property in the form of a mortgage.

Therefore I find that the Residential Tenancy Act does not apply in this case, and I decline to accept jurisdiction.

Conclusion

I decline to accept jurisdiction in this matter because the Applicant holds a mortgage against the subject property and therefore has an interest in the property which exceeds a licence to occupy the property.

Dated: June 27, 2013

Residential Tenancy Branch