



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

For applicants D.H. and T.H: OPR OPL MNR MNDC FF
For applicant B.G: MT CNL CNR FF

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”).

Applicants D.H. and T.H. applied under the *Act* for an order of possession based on a 10 Day Notice to End Tenancy for Unpaid Rent (the “10 Day Notice”), based on a 2 Month Notice to End Tenancy for Landlord’s Use of Property (the “2 Month Notice”), for a monetary order for unpaid rent or utilities, for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement, and for the recovery of the cost of the filing fee.

Applicant B.G. applied for more time to make an application to cancel a Notice to End Tenancy, to cancel a 10 Day Notice, to cancel a 2 Month Notice, and for the recovery of the cost of the filing fee.

Applicant B.G. testified that she is the beneficial owner of the property since 1976 and that she has an interest in the property beyond mere possession. Given the potential of an interest in the real property by applicant B.G. 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: December 17, 2015

Residential Tenancy Branch

