



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes O FF

Introduction and Conclusion

This hearing was convened as a result of the applicants' Application for Dispute Resolution (the "Application") under the *Residential Tenancy Act* (the "Act"). The applicant applied for "other" and to recover the cost of the filing fee and in their details of dispute claim that the *Act* does not apply due to the applicants being joint owners with the respondent. The applicants also claim that an action is currently before the Supreme Court in relation to the property.

Counsel for the applicants and respondents confirmed that an action is currently before the Supreme Court regarding the property. Counsel for the applicants claim that the applicants have an interest in the property greater than mere possession of the rental unit and are joint owners. Counsel for the respondents claim that the Supreme Court action by the applicants is retaliatory in nature.

Given the potential of an interest in the real property by the applicants beyond mere possession, **I decline 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 7, 2016

Residential Tenancy Branch

