



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with an Application for Dispute Resolution by the Applicant to cancel a One Month Notice to End Tenancy for Cause.

Both parties appeared.

Preliminary and procedural matter

The first issue that I must determine is whether the Residential Tenancy Branch has jurisdiction over this matter.

The Applicant stated that they are not a tenant. The Applicant stated that their father is the respondent subject to their application. The Applicant stated that the premise was intended to be a wedding gift. The Applicant stated that they are not listed on the land title documents as this was a verbal agreement between the parties. The Applicant stated that when they were financially stable that they were going to have the mortgage and property put in their name. The Applicant stated that they recently missed paying the mortgage, but they informed their father.

The Respondent indicated that they did not intend the premises to be a wedding gift; however, they agree that their son was paying the mortgage and strata fee.

I am not satisfied the Residential Tenancy Act applies; as this matter relates to missed mortgage payments. I accept the respondent is the legal owner of the premises and has allowed their son to live in the premises and pay the mortgage and strata fees. Whether the Applicant has any legal rights to the premises is not for me to consider. Therefore, I decline to hear the matter due to lack of jurisdiction.

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: November 16, 2017

Residential Tenancy Branch