



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OLC LRE FFT

### Introduction

This hearing was convened as a result of an Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (the Act). The applicant applied for an order directing the respondent to comply with the Act, regulation or tenancy agreement, for an order to let limits on the respondent's right to enter the unit, site or property, and to recover the cost of the filing fee.

The applicant, and advocate for the applicant RS (advocate), and the partner of the applicant AO (partner) attended the teleconference hearing for the applicant. The respondent, counsel for the respondent RM (counsel) and the spouse of the respondent AV (spouse) attended the teleconference hearing for the respondent.

The parties confirmed that they had been served with and reviewed documentary evidence from the other party prior to the hearing. I find the parties were sufficiently served in accordance with the Act as a result. Words utilizing the singular shall also include the plural and vice versa where the context requires.

### Preliminary and Procedural Matter

At the outset of the hearing, one of the documents submitted is a Probate document, which lists the applicant as having an interest in the residential property beyond mere possession. Therefore, given the potential of an interest in the real property by the applicant 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.

### Conclusion

Given the potential of an interest in the real property by the applicant 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.

I do not grant the filing fee as this matter is within the exclusive jurisdiction of the Supreme Court of British Columbia.

This decision will be emailed to the parties at the email addresses confirmed during the hearing.

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 20, 2019

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Residential Tenancy Branch