



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

## **DECISION**

Dispute Codes      CNC, FFT

Pursuant to section 58 of the *Residential Tenancy Act* (the Act), I was designated to hear an application. In this application for dispute resolution, the applicants filed on December 8, 2022 for:

- an order to cancel a One Month Notice to End Tenancy for Cause, dated December 3, 2022; and
- recovery of the filing fee.

Those in attendance were affirmed and made aware of Residential Tenancy Branch (RTB) Rule of Procedure 6.11 prohibiting recording dispute resolution hearings.

During the hearing, the applicants submitted that a matter currently before the BC Supreme Court regarding the subject property is a family dispute over ownership. One of the parties in that dispute supports the applicants remaining in the unit, and the other party, the respondent in the RTB dispute, seeks to evict the applicants and sell the property. The applicant submitted that the issues before the Supreme Court are significantly intertwined with those in the RTB dispute.

The respondent's written submission includes: "In 2009, my husband and I made the mistake of putting our daughter, [name], on title. Our intention was for estate planning purposes as we both were getting elderly. We thought she would do as we asked. But she is now preventing me from selling my house, so I can make better living arrangements for myself and have enough money to pay for 24 hour care for myself. I am now stuck with her as a co-owner until the courts can rule on this matter."

Section 58(2)(d) provides that an arbitrator may not determine a dispute if the dispute is linked substantially to a matter before the Supreme Court.

Based on the preceding, I find that the parties agree they have a dispute currently before the BC Supreme Court, and I find that the matter before the Court is substantially

linked to the matter before me. Therefore, pursuant to section 58, I decline to make a further decision on the matter as it does not fall within the jurisdiction of the Residential Tenancy Branch.

Conclusion

I decline to rule on this matter, as I have no jurisdiction to consider it.

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: May 04, 2023

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Residential Tenancy Branch