



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes CNL

### Introduction

This hearing dealt with an Application for Dispute Resolution seeking to cancel a notice to end tenancy. The hearing was conducted via teleconference and was attended by legal counsel for the Applicant and an agent for the Respondent.

The parties agreed that the Applicant in this proceeding has filed a claim against the Respondent in this claim regarding a Contract of Purchase and Sale of the land and premises that include the dispute address and that the matter is before the Supreme Court of British Columbia with a trial date set for May 1 to 3 2013.

Section 58 of the *Residential Tenancy Act (Act)* stipulates that the director must determine disputes between landlords and tenants except, among other exceptions, if the dispute is linked substantially to a matter that is before the Supreme Court.

As both parties acknowledge this matter of ownership of the dispute address and the subsequent relationship between the parties as landlord and tenant, I find the matter is substantially linked to a matter before the Supreme Court

### Issue(s) to be Decided

The issues to be decided are whether the Applicant is entitled to cancel a 2 Month Notice to End Tenancy for Landlord's Use of Property, pursuant to Section 49 of the *Act*.

### Conclusion

Based on the above, I decline jurisdiction on these matters.

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 07, 2012.

---

Residential Tenancy Branch