



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### Dispute Codes:

MT, CNC, CNR, OLC, FF

### Introduction

This hearing was held in response to the tenant's Application for Dispute Resolution in which the tenant has applied requesting more time to cancel a 10 Day Notice to End Tenancy for Unpaid Rent and a 1 Month Notice to End Tenancy for Landlord's Use of the Property, to cancel the notices, an Order the landlord comply with the Act and return of the filing fee costs.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained, evidence was reviewed and the parties were provided with an opportunity to ask questions about the hearing process

### Preliminary Matters

The landlord confirmed that he had signed a mortgage to purchase the property and that the property is now in foreclosure before the Supreme Court of British Columbia.

The tenant provided copies of Supreme Court documents and a March 26, 2013 letter from legal counsel for the original property owners who hold the mortgage; they sold the property to the landlord. The tenant has been directed by legal counsel to pay all rent to the original property owners, as per the terms of the mortgage.

The tenant was seeking an Order clarifying where rent payment should be made. The landlord present at the hearing provided affirmed testimony that the documents supplied by the tenant were accurate.

The landlord confirmed that the tenant has signed a fixed term tenancy agreement that does not end until October 2013.

The parties were informed that I would apply section 58(2) of the Act, which provides:

*(2 ) Except as provided in subsection (4), if the director receives an application under subsection (1), the director must determine the dispute unless*

*(a) the claim is for an amount that is more than the monetary limit for claims under the Small Claims Act,*

*(b) the application was not made within the applicable period specified under this Act, or*

***(c) the dispute is linked substantially to a matter that is before the Supreme Court.***

(Emphasis added)

As it was not in dispute that the matter is substantially linked to the Supreme Court, I found that I could not determine the dispute.

The parties were encouraged to seek legal counsel.

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: April 23, 2013

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Residential Tenancy Branch