



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OLC; FF

Introduction

This is the Tenant's application for an Order that the Landlord comply with the Act; and to recover the cost of the filing fee from the Landlord.

The Tenant gave affirmed testimony at the Hearing.

The Tenant testified that the Notice of Hearing documents and copies of the Tenant's documentary evidence were mailed to the Respondent, via registered mail, on December 3, 2013. The Tenant provided a copy of the registered mail receipt in evidence.

SB provided documentary evidence to the Residential Tenancy Branch. The Tenant acknowledged receipt of the SB's documentary evidence.

Preliminary Matter: Jurisdiction

The Respondent is not the Tenant's landlord. This tenancy is ending as a result of a foreclosure proceeding. On May 30, 2013, TD was granted an Order for Conduct of Sale. On November 20, 2013, the Supreme Court ordered that vacant possession of the rental property be delivered to the Respondent by 12:00 noon, December 4, 2013. On January 16, 2014, TD was provided with a Writ of Possession, which has not yet been executed.

It is important to note that the Tenant was a party to the foreclosure proceedings.

I explained to the Tenant that the Residential Tenancy Act (the "Act") has no jurisdiction over this matter for the following reasons:

1. The Dispute Resolution process determines disputes that arise between landlords and tenants. The Respondent named in the Tenant's application is not

the Tenant's landlord. Therefore, pursuant to the provisions of Section 62(4) of the Act, I find that I have no authority with respect to the Tenant's application.

2. Even if the Tenant had named his landlord as the Respondent, this matter is substantially linked to a matter that is before the Supreme Court and therefore I have no jurisdiction to determine the dispute, pursuant to the provisions of Section 58(2)(c) of the Act.

Conclusion

I decline jurisdiction to determine this dispute, and therefore the Tenant's application is **dismissed without leave to reapply**.

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: January 23, 2014

Residential Tenancy Branch

