



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR

### Introduction

This hearing was scheduled for April 8, 2014 to deal with a tenant's application to cancel a 10 Day Notice to End Tenancy for Unpaid Rent. The tenant submitted a registered mail receipt, including tracking number, as proof the hearing documents were sent to the respondent landlord on March 7, 2014. The Residential Tenancy Branch received a letter from the respondent landlord on March 31, 2014 requesting the hearing be rescheduled to a date after April 30, 2014 as the parties were trying to resolve their dispute by way of mediation. The hearing was re-scheduled to this date and Notices of Hearing were mailed to both parties. The tenant appeared at the re-scheduled hearing but the respondent landlord did not.

### Preliminary Issue -- Jurisdiction

The tenant filed to cancel a 10 Day Notice to End Tenancy for Unpaid Rent issued by the respondent landlord on February 28, 2014. The basis for the tenant's dispute, as indicated in the details of dispute filed with the Application, is that he and the respondent landlord do not have a landlord and tenant relationship and that he has paid rent to his mother who has beneficial interest in the property. During the hearing, the tenant confirmed that the parties attempted to resolve the dispute by way of mediation and that the matter is now before the Supreme Court. The tenant stated he just received the court documents and offered to cite information from the court documents to substantiate that this matter is before the Supreme Court.

Section 58(2)(c) of the Act provides that I must not determine disputes that are linked substantially to a matter that is before the Supreme Court. I accept the tenant's undisputed submissions that this dispute is linked substantially to a matter that is before the Supreme Court.

Section 58(4)(b) of the Act provides that the Supreme Court may make any order that the Director may make under the Act. Having found the matter is linking substantially to

a matter before the Supreme Court, I defer this matter, including the enforceability of the 10 Day Notice to the jurisdiction of the Supreme Court.

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 22, 2014

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Residential Tenancy Branch

