



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL FF

Introduction and Preliminary and Procedural Matters

This hearing was convened as a result of the application by the tenant seeking remedy under the *Residential Tenancy Act* (the “Act”), to cancel a 2 Month Notice to End Tenancy for Landlord’s Use of Property (the “2 Month Notice”), and to recover the filing fee.

The teleconference hearing began at 11:00 a.m., Pacific Time, on Monday, May 5, 2014, as indicated on the Notice of a Dispute Resolution Hearing document dated March 17, 2014. The applicant did not attend the hearing. Two respondents, “FK”, and “PP” attended the hearing.

The respondents requested to have a June 2014 upcoming hearing on file number 821055 heard at the same time. The request of the respondents was denied as the tenant did not attend the hearing and I could not be satisfied that the tenant was aware of file number 821055 and the details of that dispute.

After the ten minute waiting period, the respondents requested an order of possession, however, their request was denied as the respondents confirmed that they failed to submit a copy of the 2 Month Notice into evidence. As a result, I was unable to confirm if the 2 Month Notice was a valid notice in accordance with the *Act*, and even if it were, jurisdiction was in issue, which is described further below.

The applicants testified under oath that a Notice of Claim in the Supreme Court of British Columbia against both respondents has been filed by the applicant. The applicants testified that the matter is before the Supreme Court of British Columbia, which is supported by the documentary evidence submitted by the tenant, which I find relevant to the issue of jurisdiction.

Given the above, and pursuant to section 58(2)(c) of the *Act*, as this matter is substantially linked to a matter that is currently before the Supreme Court, I decline jurisdiction to resolve this dispute under the *Act*.

Conclusion

Jurisdiction to resolve this dispute has been declined due to this matter being substantially linked to a matter that is currently before the Supreme Court.

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: May 5, 2014

Residential Tenancy Branch

