



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes O

This hearing was convened in response to an application by the Landlord seeking a jurisdictional determination of whether the Act applies to the relationship with the Respondent.

The Landlord states that he has served the Tenant with a 10 day notice to end the tenancy for unpaid rent and is asking for an interim decision that will determine that the Landlord may seek an order of possession pursuant to this notice.

Section 58 of the Act provides that a person may make an application in relation to a dispute under the Act or tenancy agreement. Section 59 of the Act provides that such an application must include full particulars of the dispute. The Landlord's application does not set out any claim in relation to any breach of the Act or tenancy agreement. No tenancy agreement was provided. No notice to end tenancy was provided. The Landlord is not seeking any remedy. The Landlord is merely seeking an advance determination of how the Act applies to what may be a future dispute. If the Landlord does intend to seek a remedy under the Act in relation to a dispute, the Landlord remains at liberty to make an application setting out the nature of the dispute and the relief or remedy being sought. Nothing in the Act provides for an advance clarification of how the Act applies to a future dispute. As a result, I dismiss the Landlord's application.

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: June 17, 2014

Residential Tenancy Branch

