



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OLC,

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An order cancelling a notice to end tenancy – Section 49;
2. An Order that the Landlord comply with the Act – Section 62; and
3. An Order to recover the filing fee for this application - Section 72.

The Tenant stated that the Landlord was served with the application for dispute resolution and notice of hearing by posting the materials on the door on June 30, 2014. The Landlord did not attend the Hearing but made a submission on the service and asked for an adjournment as the Landlord is not currently in the country.

The Tenant also sought an adjournment pending the outcome of a matter before the Supreme Court. The Tenant provided copies of a notice of claim against the Landlord and affidavits of both Parties. The Tenant submits that the dispute in the present application is linked to the Supreme Court matter as it involves the Tenant’s claim to a beneficial interest in the unit through a trust held by the Landlord.

Section 58 of the Act provides that a dispute may not be determined where the dispute is linked substantially to a matter before the Supreme Court. Given the Tenant’s supported evidence that the matter before the Supreme Court is in relation to the Tenant’s claimed ownership of the unit, I find that the dispute is linked substantially to a matter before the Supreme Court and may not be determined. I also set aside the notice to end tenancy for cause pending the outcome of the Supreme Court claim. The Landlord is free to serve another notice to end tenancy should the Tenant not be

successful with its claim at the Supreme Court or should the Supreme Court not otherwise resolve the dispute. The Tenant's application is dismissed with leave to reapply should the Landlord serve another notice to end tenancy.

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: July 14, 2014

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Residential Tenancy Branch

