



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, O

Introduction

This matter dealt with an application by the Tenants to cancel a Notice to End Tenancy for unpaid rent and for other considerations.

At the start of the conference call preliminary issues of whether the Residential Tenancy Act has jurisdiction on this situation and if the Residential Tenancy Branch could make any findings on this matter prior to the Supreme Court of British Columbia hearing this matter. The Tenants' Counsel said the matter was in front of the Supreme Court of British Columbia to determining a number of things including the validity of an agreement to purchase the property between the Landlord and the Tenants and the Landlord's liability to the Tenants. The Tenants' Counsel said this is a complicated matter that far exceeds the normal non-payment of rent situation. The Tenants' Counsel continued to say that the Property is in foreclosure and the Tenants have paid the rent owed into his trust account. Further the mortgagor has formally requested the rent payments as well as the Landlord. The Tenants Counsel said Supreme Court of British Columbia will determine who the rent should be paid to and if an offer to purchase the property exists between the Tenants and the Landlord.

Given that there are issues in this tenancy that are in front of the Supreme Court of British Columbia that take precedence over the Residential Tenancy Act ; I find I am unable to consider this matter at the present time or make any finding with respect to this tenancy until the Supreme Court of British Columbia has made it's rulings.

Further if the Supreme Court of British Columbia finds there is a purchase agreement between the Landlord and the Tenants then the Tenants' interest in the property is beyond that of a tenancy and the Residential Tenancy Act would not have jurisdiction in this matter.

Consequently, I refuse jurisdiction on this matter at the present time.

Conclusion

I refuse jurisdiction on this matter at the present time.

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: November 24, 2014

Residential Tenancy Branch

