



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNR, FF

Introduction

This hearing was convened in response to the Application for Dispute Resolution, in which the Applicant applied to set aside a Notice to End Tenancy for Unpaid Rent and to recover the fee for filing this Application for Dispute Resolution.

The Applicant stated that on March 04, 2015 the Application for Dispute Resolution, the Notice of Hearing, and documents she wishes to rely upon as evidence were sent to the Respondent, via registered mail, at the service address noted on the Application. The Applicant submitted a Canada Post receipt that corroborates this statement. In the absence of evidence to the contrary, I find that these documents have been served in accordance with section 89 of the *Residential Tenancy Act (Act)*; however the Respondent did not appear at the hearing.

Issue(s) to be Decided

Should the Notice to End Tenancy for Unpaid Rent, served pursuant to section 46 of the *Residential Tenancy Act (Act)*, be set aside?

Background and Evidence

The Applicant stated that she is not a tenant of this residence. She stated that the Respondent is the registered owner of the property and that she lived in the home with him until he moved out of the residence.

The Applicant stated that this residence is the subject of matter scheduled to be heard by the Supreme Court of British Columbia. She submitted documents that corroborate this testimony.

Analysis

Section 58(2)(c) of the *Act* specifies that I must not determine a dispute if the matter is substantially linked to a matter that is before the Supreme Court. On the basis of the

undisputed evidence, I find that this residence is the subject of a matter scheduled to be heard by the Supreme Court of British Columbia.

As this matter is scheduled to be heard by the Supreme Court of British Columbia. I find that I must decline jurisdiction in this matter. This living arrangement cannot be governed by the *Act* until the court proceedings have been concluded.

Conclusion

As I do not have jurisdiction in this matter, I dismiss the Application for Dispute Resolution.

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: April 02, 2015

Residential Tenancy Branch

